City of Chicago

SO2022-665

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	2/23/2022
Sponsor(s):	Lightfoot (Mayor)
Type:	Ordinance
Title:	Amendment of Municipal Code Titles 2, 3, 4, 5, 6, 8 and 9 by modifying and expanding sexual harassment prohibitions
Committee(s) Assignment:	Committee on Workforce Development

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 2-25-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-25-050 Powers and duties of the department.

(Omitted text is unaffected by this ordinance)

(b) Powers and duties of the Commissioner and the ~~department~~ Department. The powers and duties of the Commissioner and ~~department~~ Department shall be as follows:

(Omitted text is unaffected by this ordinance)

(19) To supervise the investigation, execution and enforcement of Section 6-10-040(b), (c), (d), and (e); the Chicago Minimum Wage and Paid Sick Leave Ordinance, Chapter 6-105 of this Code~~,~~; the Toy Safety Ordinance, Chapter 7-36 of this Code~~,~~; the Condominium Ordinance, Chapter 13-72 of this Code~~,~~; and any other ordinance administered or enforced by the ~~department~~ Department, including all rules pertaining thereto or promulgated thereunder;

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-32-460 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-32-460 Definitions.

Whenever used in this chapter, the terms "race", "color", "sex", "gender identity", "age", "religion", "disability", "national origin", "sexual orientation", "marital status", "parental status", "military status" and "source of income" shall have the meaning ascribed to that term in Section ~~2-160-020~~ 6-10-020 or in rules duly promulgated under Chapter ~~2-160~~ 6-10 of this Code.

SECTION 3. Section 2-74-080 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-74-080 Discrimination – Unlawful activities.

No person shall discriminate against any employee or applicant because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053), or criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054), as those terms are defined in Chapter ~~2-160~~ 6-10 of this Code or in rules duly promulgated thereunder.

SECTION 4. Section 2-78-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-78-100 Definitions.

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

(Omitted text is unaffected by this ordinance)

"Military status" has the meaning ascribed to the term in Section ~~2-160-020~~ 6-10-020.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 2-92-612 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-92-612 Policy prohibiting sexual harassment.

(a) For purposes of this section, the following definitions shall apply:

"Contract" means any contract, purchase order, construction project, or other agreement (other than a delegate agency contract or lease of real property or collective bargaining agreement) awarded by the ~~city~~ City and whose cost is to be paid from funds belonging to or administered by the ~~city~~ City.

"Contractor" means the person to whom a contract is awarded.

"Sexual harassment" means any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature; ~~or~~ (ii) requests for sexual favors or conduct of a sexual nature when (~~i~~ 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment~~;~~, or (~~ii~~ 2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual~~;~~, or (~~iii~~ 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; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

(Omitted text is unaffected by this ordinance)

(b) Any solicitation for a contract advertised or otherwise communicated ~~on or after June 30, 2018~~, and any contract entered into as a result of such solicitation, shall include a specification that the contractor shall, as prescribed by the Chief Procurement Officer, attest by affidavit that the contractor has a written policy prohibiting sexual harassment ~~that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment; and (iii) the legal recourse available for victims of sexual harassment~~ in compliance with Section 6-10-040.

(Omitted text is unaffected by this ordinance)

SECTION 6. Chapter 2-120 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-120-480 Purpose and intent.

The ~~city council~~ City Council finds that prejudice and the practice of discrimination against any individual or group because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053), or criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054) menace peace and public welfare. The ~~city council~~ City Council further finds that it is necessary to promote peace and good order and to eliminate such prejudice and discrimination by establishing an agency that will investigate complaints of discrimination, enforce civil rights ordinances, and promote harmony and understanding among various segments of society by gathering information on matters of human relations and providing education and counseling thereon to the various agencies of city government and to interested groups and individuals. The ~~city council~~ City Council further finds that the function of such an agency can be enhanced by the creation of advisory councils on matters of special concern to groups that historically have been the subject of discrimination and bias, and provide a point of contact between such groups and the ~~city~~ City government.

2-120-485 Definitions.

Wherever used in this Article XIV, the terms "age", "religion", "disability", "sexual orientation", "marital status", "parental status", "military status", "gender identity" and "source of income" shall have the meaning ascribed to that term in Section ~~2-160-020~~ 6-10-020 of this Code. The term "credit history" shall have the meaning ascribed to that term in Section ~~2-160-020~~ 6-10-020 and Section ~~2-160-053~~ 6-10-053.

2-120-500 Advisory councils.

(Omitted text is unaffected by this ordinance)

(a) to assist the Commission on Human Relations in designing educational and enforcement programs for the implementation of the policies embodied in Chapters ~~2-160~~ 6-10 and 5-8 of the Code;

(Omitted text is unaffected by this ordinance)

2-120-510 Powers and duties.

The Commission shall have the following powers and duties, in addition to those assigned by other provisions of the Municipal Code:

(a) to advise and consult with the Mayor and the City Council on all matters involving prejudice or discrimination based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053), or criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054), or professional training or education from an accredited institution; and to recommend such legislative action as it may deem appropriate to effectuate the policy of this ordinance;

(Omitted text is unaffected by this ordinance)

(c) to develop and implement programs to train ~~city~~ City 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, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053), or criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054);

(d) to require the assistance of the various departments and agencies of the ~~city~~ City government in identifying and eliminating discriminatory activities. The head of every ~~city~~ City department and agency shall provide to the ~~commission~~ Commission, at its request, information under control of the department or agency and relating to a pending complaint or matter under review by the ~~commission~~ Commission. Upon receipt of a recommendation from the ~~commission~~ Commission, the head of every department or agency shall submit to the ~~commission~~ Commission a written report indicating action on and disposition of the recommendation;

(e) to initiate, receive, ~~and~~ investigate, and adjudicate complaints of alleged violations of Chapters ~~2-160~~ 6-10 and 5-8 of the Municipal Code~~. A complaint must be filed no later than 300 days after the alleged violation. The person against whom a complaint is made shall be given a copy thereof within 10 days after it is filed, and shall be allowed to be present and offer a defense at any hearing thereon. Any person who files a complaint or against whom a complaint is made may be represented by counsel at any stage of conciliation, investigation or hearing on the complaint. The filing of a complaint pursuant to this section does not bar any person from seeking any other remedy that may be provided by law, except that in certain instances one or more intergovernmental agreements may specify before which governmental agency or court a person may pursue his or her complaint. If the commission concludes, based on objective facts, that a complaint filed pursuant to this section is clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment, the commission is authorized to impose a fine on the complainant of not less than $250.00 and up to $1,000.00 for each such filing~~;

(f) to investigate complaints in order to determine whether there is substantial evidence that a violation of Chapter ~~2-160~~ 6-10 or 5-8 has occurred, except where such complaints are handled by another governmental agency pursuant to an intergovernmental agreement, as authorized in subsection (g) below. The investigation shall be completed within 180 days after receipt of the complaint, unless it is impractical to do so within that time. Within 30 days after completion of the investigation, the ~~commission~~ Commission shall issue a written determination whether there is substantial evidence that a violation has occurred. If the ~~commission~~ Commission determines that there is not substantial evidence, it shall give written notification of the determination to the charging party and the person against whom the complaint was made. Neither the ~~commission~~ Commission nor its staff shall disclose, other than at a hearing as provided in subsection (g), any information obtained in the course of investigation or conciliation, except where otherwise required by law or intergovernmental agreement;

(Omitted text is unaffected by this ordinance)

(l) to render a decision upon the conclusion of a hearing, or upon receipt of a hearing officer's recommendation at the conclusion of a hearing, including findings of fact relating to the complaint, and to order such relief as may be appropriate under the circumstances determined in the hearing. Relief may include but is not limited to an order: to cease the illegal conduct complained of; to pay actual damages, as reasonably determined by

the Commission, for injury or loss suffered by the complainant; to pay appropriate punitive damages when the respondent acted with actual malice, willfully, or with such gross negligence as to indicate a wanton disregard of the complainant's rights, as reasonably determined by the Commission; to hire, reinstate or upgrade the complainant with or without back pay or provide such fringe benefits as the complainant may have been denied; to admit the complainant to a public accommodation; to extend to the complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of the respondent; to pay to the complainant all or a portion of the costs, including reasonable attorney fees, expert witness fees, witness fees and duplicating costs, incurred in pursuing the complaint before the ~~commission~~ Commission or at any stage of judicial review; to take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages and backpay from the date of the civil rights violation. These remedies shall be cumulative, and in addition to any fines imposed for violation of provisions of Chapters ~~2-160~~ 6-10 and 5-8. If the hearing was conducted by a member of the ~~commission~~ Commission or by a hearing officer, the member or hearing officer shall submit written recommendations to the ~~commission~~ Commission, including recommended findings of fact and recommended relief. The ~~commission~~ Commission may adopt, reject or modify the recommendations, in whole or in part, or may remand for additional hearing on some or all of the issues presented. The ~~commission~~ Commission shall adopt the findings of fact recommended by a hearing officer or commission member if the recommended findings are not contrary to the evidence presented at the hearing. Decisions of the ~~commission~~ Commission shall be in writing, and must be approved by a majority of the quorum of the ~~commission~~ Commission. Any decision of the ~~commission~~ Commission shall constitute a final determination for purposes of judicial review and shall be subject to review in accordance with applicable law;

(Omitted text is unaffected by this ordinance)

2-120-511 Adjudicatorial proceedings.

(a) Except as otherwise set by subsection (b) below, a complaint must be filed no later than 365 days after the alleged violation. The person against whom a complaint is made shall be given a copy thereof within 10 days after it is filed, and shall be allowed to be present and offer a defense at any hearing thereon. Any person who files a complaint or against whom a complaint is made may be represented by counsel at any stage of conciliation, investigation, or hearing on the complaint. The filing of a complaint pursuant to this section does not bar any person from seeking any other remedy that may be provided by law, except that in certain instances one or more intergovernmental agreements may specify before which governmental agency or court a person may pursue the complaint. If the Commission concludes, based on objective facts, that a complaint filed pursuant to this section is clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment, the Commission is authorized to impose a fine on the complainant of not less than $250.00 and up to $1,000.00 for each such filing.

(b) In cases of sexual harassment, the Commission may delay the issuance of a complaint to the respondent up to 30 days after it is filed.

2-120-515 Investigations, research and publications.

The ~~commission~~ Commission may also conduct research, public forums and educational programs on tensions between various groups within society, practices of discrimination based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within

the meaning of Section ~~2-160-053~~ 6-10-053), or criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054); conduct public hearings to ascertain the status and treatment of various racial, ethnic, religious, cultural and social groups within society; means of alleviation discrimination and bias, and of improving human relations within the city; and issue such publications as may assist in the performance of its function.

SECTION 7. Section 2-156-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-156-010 Definitions.

The following definitions shall apply for purposes of this chapter:

(Omitted text is unaffected by this ordinance)

(z) "Sexual harassment" means any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature; or (ii) requests for sexual favors or conduct of a sexual nature when (~~i~~ 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment~~;~~, or (~~ii~~ 2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual~~;~~, or (~~iii~~ 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; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

SECTION 8. Section 2-156-145 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-156-145 Ethics and sexual harassment education.

(a) (1) Except as otherwise provided in subsection (a)(2), each official, member of an alderman's personal staff, ~~city council~~ City Council committee staff member, and each person holding a senior executive service position with the ~~city~~ City (all positions listed in Appendix A to Chapter 2-74 of the ~~code~~ Code) shall attend an ethics education seminar offered by the ~~board of ethics~~ Board of Ethics within 120 days of becoming an official, member of an alderman's personal staff, ~~city council~~ City Council committee staff member, or holding a senior executive service position with the ~~city~~ City; and ~~every four years~~ annually thereafter.

(2) Each ~~city~~ City employee and official not covered in subsection (a)(1) shall complete an ethics training program in a manner specified and offered by the ~~board of ethics~~ Board of Ethics within 60 days of employment with the ~~city~~ City or becoming a ~~city~~ City official and annually thereafter.

(3) The seminar offered in accordance with this subsection (a) shall educate persons required to take the seminar as to their duties and responsibilities under this chapter.

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 2-156-465 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-156-465 Sanctions.

(Omitted text is unaffected by this ordinance)

(b) Fines. The following fines shall, as appropriate, apply to violations of this chapter:

(Omitted text is unaffected by this ordinance)

(7) *Violation of sexual harassment provisions.* Any person who violates Section 2-156-149 shall be subject to fine of not less than ~~$1,000.00~~ $5,000.00 and not more than ~~$5,000.00~~ $10,000.00 for each violation.

(Omitted text is unaffected by this ordinance)

SECTION 10. Title 6: Worker Protections, is hereby amended by renaming it Title 6: Human Rights.

SECTION 11. Chapter 2-160 of the Municipal Code of Chicago is hereby renumbered, moved to Title 6, and amended by adding the language underscored and by deleting the language struck through, as follows. This action does not in any way impair their ongoing viability as renumbered. Any action that had been commenced under any of the chapters here mentioned shall continue under its equivalent provision as it appears in this ordinance.

ARTICLE I: GENERAL HUMAN RIGHTS

Chapter 6-10: General Human Rights

~~2-160-010~~ 6-10-010 Declaration of City policy.

It is the policy of the City of Chicago to assure that all persons within its jurisdiction shall have equal access to public services and shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this city.

The City Council of the City of Chicago hereby declares and affirms:

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

That behavior which denies equal treatment to any individual because of ~~his or her~~ that individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053), or criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054) undermines civil order and deprives persons of the benefits of a free and open society.

Nothing in this ordinance shall be construed as supporting or advocating any particular lifestyle or religious view. To the contrary, it is the intention of this ordinance that all persons be treated fairly and equally and it is the express intent of this ordinance to guarantee to all of our residents fair and equal treatment under law.

~~2-160-020~~ 6-10-020 Definitions.

Whenever used in this chapter:

~~(a)~~ "Age" means chronological age of not less than 40 years.

~~(aa)~~ "Applicant" means any person pursuing employment with an employer or with or through an employment agency.

~~(aaa)~~ "Credit history" means a record of an individual's past borrowing and repaying, including information about late payments and bankruptcy.

~~(aaaa)~~ "Credit report" means any written or other communication of any information by a consumer reporting agency that bears on a consumer's creditworthiness, credit standing, credit capacity, or credit history.

~~(b)~~ "Credit transaction" means the grant, denial, extension, or termination of credit to an individual.

~~(c)~~ "Disability" means:

(i) a determinable physical or mental characteristic which may result from disease, injury, congenital condition of birth or functional disorder including, but not limited to, a determinable physical characteristic which necessitates a person's use of a guide, hearing, or support dog; or

(ii) the history of such a characteristic; or

(iii) the perception of such a characteristic by the person complained against.

~~(d)~~ "Employee" means an individual who is engaged to work ~~in~~ within the geographical boundaries of the City of Chicago for or under the direction and control of another for monetary or other valuable consideration.

~~(dd)~~ "Employer" means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that provides employment for one or more employees in the current or preceding calendar year, and any agent of such an entity or person. To qualify as an employer for purposes of Section ~~2-160-054~~ 6-10-054, such individual, group, or entity must: (1) be subject to one or more of the license requirements in Title 4 of this Code; ~~and/~~or (2) maintain a business facility within the geographic boundaries of the City; or (3) both (1) and (2). The City of Chicago qualifies as an employer for purposes of ~~this~~ Section ~~2-160-054~~ 6-10-054.

~~(ddd)~~ "Employment" means any occupation or vocation.

~~(e)~~ "Employment agency" means a person that undertakes to procure employees or opportunities to work for potential employees, either through interviews, referrals, advertising, or any combination thereof.

~~(f)~~ "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.

~~(g)~~ "Marital status" means the legal status of being single, married, divorced, separated, or widowed.

~~(h)~~ "Military status" means (1) being on active duty in, or in any reserve component of, any branch of the armed forces of the United States, the State of Illinois, or any other state; (2) being a veteran of any such branch of the armed forces; or (3) the fact of discharge from any such branch of the armed forces and the reasons for such discharge.

~~(i)~~ "Parental status" means the status of living with one or more dependent minor or disabled children.

~~(j)~~ "Public accommodation" means a place, business establishment, or agency that sells, leases, provides, or offers any product, facility, or service to the general public, regardless of ownership or operation (i) by a public body or agency; (ii) for or without regard to profit; or (iii) for a fee or not for a fee. An institution, club, association, or other place of accommodation which 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 shall be considered a place of public accommodation for purposes of this chapter.

~~(k)~~ "Religion" means all aspects of religious observance and practice, as well as belief, except that with respect to employers "religion" has the meaning ascribed to it in Section ~~2-160-050~~ 6-10-050.

~~(l)~~ "Sexual orientation" means ~~the actual or perceived state of heterosexuality, homosexuality or bisexuality.~~ a person's actual or perceived sexual and emotional attraction, or lack thereof, to another person.

~~(m)~~ "Sexual harassment" means any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature; or (ii) requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a 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; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

~~(n)~~ "Source of income" means the lawful manner by which ~~an individual supports himself and his or her~~ individuals support themselves and their dependents.

~~2-160-025~~ 6-10-025 Gender identity option in City documentation.

(a) No form issued by the City shall ask an individual's sex unless it is necessary for medical reasons or required by another law.

(b) The City may ask for the gender identity of an individual when it is necessary for medical reasons or required by another law.

(c) Where selection of gender identity from predetermined options is required by design of any City form, the gender identity options on said forms shall include "male", "female", and "nonbinary".

(d) Where honorifics or titles are made available on any City form, the City shall recognize and make available in any list of predetermined options the gender-neutral honorific "Mx".

(e) Where templates are used to create identification cards, business cards, stationery, letterheads, or other personalized documentation, said templates shall include designated space for pronouns. Where selection of pronouns from predetermined options is required by design of any form or template, the pronoun options on said form or template shall include "he/him", "she/her", and "they/them".

~~2-160-030~~ 6-10-030 Unlawful discriminatory activities designated.

No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation, or other term or condition of employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053), criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054), or source of income. No employment agency shall directly or indirectly discriminate against any individual in classification, processing, referral or recommendation for employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053), criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054), or source of income.

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

(a) use of an individual's unfavorable discharge from military service as a valid employment criterion where: (i) authorized by federal law or regulation; or (ii) where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the dishonorable discharge are related to such individual's fiduciary capacity;

(b) hiring or selecting between individuals for bona fide occupational qualifications; and

(c) giving preferential treatment to veterans and their relatives as required by federal, state or local law or regulation.

~~2-160-040~~ 6-10-040 Sexual harassment.

(a) No employer, employee, agent of an employer, employment agency, or labor organization shall engage in sexual harassment. An employer shall be liable for sexual harassment by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(b) Every employer shall have a written policy document prohibiting sexual harassment.

(1) The written policy document shall include at least the following:

(A) A statement that sexual harassment is illegal in Chicago.

(B) The definition of sexual harassment as defined in Section 6-10-020.

(C) A requirement that all employees participate in:

(i) sexual harassment prevention training annually.

(a) Employees shall participate in a minimum of one hour of sexual harassment prevention training annually.

(b) Anyone who supervises or manages employees shall participate in a minimum of two hours of sexual harassment prevention training annually.

(ii) one hour of bystander training annually.

(D) Examples of prohibited conduct that constitute sexual harassment.

(E) Details on:

(i) how an individual can report an allegation of sexual harassment, including, as appropriate, instructions on how to make a confidential report, with an internal complaint form, to a manager, employer's corporate headquarters or human resources department, or other internal reporting mechanism; and

(ii) legal services, including governmental, available to employees who may be victims of sexual harassment.

(F) A statement that retaliation for reporting sexual harassment is illegal in Chicago.

(2) The written policy document shall be provided in an employee's primary language within the first calendar week of that employee's employment.

(c) Every employer shall require its employees to participate in the trainings and time requirements required by Section 6-10-040(b)(1)(C). For the annual required sexual harassment prevention training, an employer may use the model sexual harassment prevention training program prepared by the State of Illinois required under 775 ILCS 5/2-109, or may establish its own sexual harassment prevention training program that equals or exceeds the minimum standards set in 775 ILCS 5/2-109(B).

(d) Every employer shall conspicuously display in at least one location where employees commonly gather posters designed by the Commission about the prohibitions on sexual harassment. The employer shall display at least one poster in English and one poster in Spanish.

(e) Each employer shall maintain for at least five years, or for the duration of any claim, civil action, or investigation pending pursuant to this section, whichever is longer, a record of the employer's written policy document prohibiting sexual harassment and trainings given to each employee, and records necessary to demonstrate compliance with this chapter. Failure to maintain these records shall create a presumption, rebuttable by clear and convincing evidence, that the Employer violated this Section 6-10-040.

(f) Any person who violates subsections (b), (c), or (d) of this section shall be subject to a fine of not less than $500.00 nor more than $1,000.00 for each offense. Every day that a violation shall continue shall constitute a separate and distinct offense.

~~2-160-050~~ 6-10-050 Religious beliefs and practices.

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 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.

Reasonable efforts to accommodate include, but are not limited to allowing an employee: (i) to take a day of paid leave or vacation, where applicable under the employee's employment agreement; or (ii) to be excused from work without pay and without discipline or other penalty; or (iii) 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 need of the employer's business. Any employee who elects such deferred work shall be compensated at ~~his or her~~ the employee's 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 (iii) of this subsection provide the employer with notice of the employee's intention to do so, no less than five days prior to the date of absence.

~~2-160-053~~ 6-10-053 Credit history.

(a) Except as otherwise provided in this section, no employer, agent of an employer, employment agency or labor organization shall do any of the following:

(i) Fire or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the individual's credit history or credit report.

(ii) Inquire about an applicant's or employee's credit history.

(iii) Order or obtain an applicant's or employee's credit report from a consumer reporting agency.

(b) The prohibitions contained in this section shall not prevent an inquiry or employment action if a satisfactory credit history is an established bona fide occupational requirement of a particular position or a particular group of employees. A satisfactory credit history is not a bona fide occupational requirement unless at least one of the following circumstances is present:

(i) State or federal law requires bonding or other security covering an individual holding the position.

(ii) The duties of the position include custody of or unsupervised access to cash or marketable assets valued at $2,500 or more. For the purpose of this exception (ii), "marketable assets" means company property that is specially safeguarded from the public and to which access is only entrusted to managers and other select employees. "Marketable assets" do not include the fixtures, furnishings, or equipment of an employer.

(iii) The duties of the position include signatory power over business assets of $100 or more per transaction.

(iv) The position is a managerial position which involves setting the direction or control of the business.

(v) The position involves access to personal or confidential information, financial information, trade secrets, or state or national security information. For purposes of this exception, the following definitions apply:

A. "Personal or confidential information" means sensitive information that an employee, customer, client, or service recipient gives explicit authorization for another person to obtain, process, and keep; that an organization entrusts only to managers and a select few employees; or that is stored in secure repositories not accessible by the public or low-level employees.

B. "Financial information" means non-public information on the overall financial direction of an organization, including, but not limited to, company taxes or profit and loss reports.

C. "Trade secrets" means sensitive information regarding a company's overall strategy or business plans. This does not include general proprietary company information such as handbooks, policies, or low-level strategies.

D. "State or national security information" means information only offered to select employees because it may jeopardize the security of the state or the nation if it were entrusted to the general public.

(vi) The position meets criteria in administrative rules, if any, that the U.S. Department of Labor or the Illinois Department of Labor has promulgated to establish the circumstances in which a satisfactory credit history is a bona fide occupational requirement.

(vii) The employee's or applicant's credit history is otherwise required by or exempt under other applicable law.

(c) The prohibitions contained in this section shall not apply to any of the following:

(i) Any bank holding company, financial holding company, bank, savings bank, savings and loan association, credit union, or trust company, or any subsidiary or affiliate thereof, that is authorized to do business under the laws of Illinois or of the United States.

(ii) Any company authorized to engage in any kind of insurance or surety business pursuant to the Illinois Insurance Code, including any employee, agent, or employee of an agent acting on behalf of a company engaged in the insurance or surety business.

(iii) Any municipal law enforcement or investigative unit, including without limitation the Office of the Inspector General, Police Department, and Independent Police Review Authority.

(iv) Any entity that is defined as a debt collector under federal or state statute.

~~2-160-054~~ 6-10-054 Criminal record or criminal history.

(a) Employers that are not subject to the Illinois Job Opportunities for Qualified Applicants Act, including the City of Chicago, may not inquire about or into, consider, or require disclosure of an applicant's criminal record or criminal history until after the applicant has been determined qualified for the relevant position and notified that he has been selected for an interview, or, if there is no interview, until after a conditional offer of employment is extended to the applicant.

The prohibitions set forth in this subsection ~~2-160-054~~ 6-10-054(a) do not apply where:

(1) federal or state law excludes applicants with certain criminal convictions from the relevant position;

(2) a standard fidelity bond or an equivalent bond is required for the relevant position, and an applicant's conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond, in which case an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses; or

(3) the relevant position requires a license under the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1, et seq.

This subsection ~~2-160-054~~ 6-10-054(a) does not prohibit providing written notice of specific offenses that will disqualify an applicant from employment in a particular position.

(b) If the City of Chicago, subsequent to interviewing or extending a conditional offer of employment to an applicant, determines that he has a criminal conviction, that fact, standing alone, shall not automatically disqualify the applicant from employment. Instead, the decision whether to employ the applicant shall take into account the following factors:

(1) the nature of the applicant's specific offense or offenses;

(2) the nature of the applicant's sentencing;

(3) the applicant's number of convictions;

(4) the length of time that has passed following the applicant's most recent conviction;

(5) the relationship between the applicant's crimes and the nature of the relevant position;

(6) the age of the applicant at the time of his most recent conviction;

(7) any evidence of rehabilitation, including, but not limited to, whether the applicant has completed a treatment or counseling program or received a certification of relief from disabilities or good conduct;

(8) the extent to which the applicant has been open, honest, and cooperative in examining his background; and

(9) any other information relevant to the applicant's suitability for the relevant position.

(c) In the event any employer, including one subject to the Illinois Job Opportunities for Qualified Applicants Act, makes a decision not to hire an applicant that is based, entirely or partially, on the applicant's criminal record or history, the employer shall inform the applicant of this basis at the time he is informed of the decision.

~~2-160-055~~ 6-10-055 Job opportunity advertisements.

No person shall publish or cause to be published, in print or on the internet, an advertisement for, or other posting of, any job opportunity that requires the applicant for the position to be employed or which states any other preference, limitation, or discrimination prohibited by this ordinance. This prohibition does not apply to any third-party publisher of advertisements which is not itself the employer, agent of an employer, employment agency, or labor organization causing publication of the job opportunity.

~~2-160-060~~ 6-10-060 Discriminatory practices – Credit transactions.

No person shall discriminate against any individual in any aspect of a credit transaction, or in any terms and conditions of bonding because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, or source of income.

~~2-160-065~~ 6-10-065 Alternative identification cards.

(a) *Recognition of City of Chicago ID Card as valid identification.* When requiring members of the public to provide identification or proof of residency, every department of the City of Chicago shall accept the City of Chicago ID created in Chapter 2-176 as valid identification and as valid proof of residency in the City of Chicago, unless the department has reason to believe that the City of Chicago ID is counterfeit, altered, improperly issued, or that the person presenting the City of Chicago ID is not the person to whom the card was issued.

(b) *Recognition of Mexican Matricula Consular Cards as valid identification.* When requiring members of the public to provide identification, each ~~city~~ City department shall accept as valid identification of the person a "Matricula Consular" identification card issued by the Mexican Consulate.

(c) Recognition of other Latin American Matricula Consular Cards as valid identification. When requiring members of the public to provide identification, each ~~city~~ City department shall accept as valid identification of the person a "Matricula Consular" identification card issued by any other Latin American country that is represented by a consulate office in the City of Chicago, to its citizens or nationals if the issuing country's consulate has certified to the City of Chicago that the identification card meets the following security requirements:

(1) the issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and

(2) the card holder was required to provide proof of identity, nationality and address in order to obtain the card; and

(3) the card had a photograph of the person, the person's date of birth and the person's current local address; and

(4) the card has physical security features reasonably designed to protect against fraud and counterfeit reproduction, including the use of bonded paper, lamination, a hologram, and an embedded signature of the issuing officer and serialization.

(d) The office of the superintendent of police shall compile and make available to the members of the Chicago City Council and the city departments a list of the types of identification cards and the issuing countries that have certified to the office of the superintendent of police that their identification cards meet the requirements of this section.

(e) The requirements of this section do not apply under circumstances where (1) a federal or state statute, administrative regulation or directive, or court decision requires the city to obtain different identification, (2) a federal or state statute or administrative regulation or

directive preempts local regulation of identification requirements, or (3) the city would be unable to comply with a condition imposed by a funding source, which would cause the city to lose funds from that source.

(f) Nothing in this section is intended to prohibit ~~city~~ City departments from (1) asking for additional information from individuals in order to verify a current address or other facts that would enable the department to fulfill its responsibilities, except that this section does not permit the department to require additional information solely in order to establish identification of the person when the Matricula Consular Card is the form of identification presented, or (2) using fingerprints for identification purposes under circumstances where the department also requires fingerprints from persons who have a driver's license or state identification card.

~~2-160-070~~ 6-10-070 Discriminatory practices – Public accommodations.

No person that owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, or source of income. The prohibition contained in this section shall not apply to the following:

(a) a private club or other establishment not in fact open to the public, except to the extent that the products, facilities or services thereof are made available to the general public or to the customers or patrons of another establishment that is a public accommodation;

(b) any facility, as to discrimination based on sex, which is distinctly private in nature, such as restrooms, shower rooms, bathhouses, dressing rooms and health clubs;

(c) any facility, as to discrimination based on sex, which restricts rental of residential or sleeping rooms to individuals of one sex;

(d) any educational institution, as to discrimination based on sex, which restricts enrollment of students to individuals of one sex; and

(e) notwithstanding subsections (a) through (d) above, any person may use a public accommodation or any of its products, facilities or services that are open to persons of his or her sex. For purposes of this subsection, "sex" includes both biological category and gender identity. Each person determines his or her own gender identity; no proof shall be required except his or her expression of his or her gender.

~~2-160-080~~ 6-10-080 Exemptions for certain religious organizations.

Nothing in this chapter shall apply to decisions of a religious society, association, organization or institution affecting the definition, promulgating or advancement of the mission, practices or beliefs of the society, association, organization or institution.

~~2-160-090~~ 6-10-090 Violation – Investigation by ~~commission~~ Commission on ~~human relations~~ Human Relations – Prosecution.

The Chicago Commission on Human Relations shall receive and investigate complaints of violations of this chapter, except where such duty is modified by intergovernmental agreement, and complaints of violations of subsection (f)(3) of Section 4-6-180, and shall prepare and provide necessary forms for such complaints. No person shall refuse or fail to comply with any subpoena, order or decision issued in the course of or as a result of an investigation.

~~2-160-100~~ 6-10-100 Retaliation prohibited.

No person shall retaliate against any individual because such individual has:

(1) opposed what ~~he or she~~ that individual 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.

~~2-160-110~~ 6-10-110 Construction of chapter provisions.

The provisions of this chapter shall be liberally construed for the accomplishment of the purpose hereof. Nothing in this chapter shall be construed to limit rights granted under the laws of the State of Illinois or the United States.

~~2-160-120~~ 6-10-120 Violation – Penalty.

Unless another fine or penalty is specifically provided in this Code, any person who violates ~~any provision of~~ this ordinance as determined by this ~~commission~~ Commission shall be fined not less than ~~$100.00~~ $5,000.00 and not more than ~~$1,000.00~~ $10,000.00 for each offense. In addition, any City licensee who violates ~~any provision of~~ this chapter or any rule ~~or regulation~~ promulgated thereunder may be subject to license discipline pursuant to Section 4-4-280 of this Code. Every day that a violation shall continue shall constitute a separate and distinct offense.

SECTION 12. After Section 6-10-120, and prior to Chapter 6-100, the following heading shall be added:

ARTICLE II. WORKER PROTECTIONS

SECTION 13. Chapter 6-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

6-100-010 Definitions.

For purposes of this ~~title~~ Article II, the following definitions apply:

(Omitted text is unaffected by this ordinance)

6-100-020 Violation – Penalty.

Any violation of this ~~title~~ article which does not state a penalty shall be punishable by a fine of not less than $500.00 nor more than $1,000.00 for each offense. Each violation of this ~~title~~ article shall constitute a separate offense.

6-100-030 Retaliation prohibited.

It shall be unlawful for any employer to discriminate in any manner or take any adverse action against any individual in retaliation for exercising any right under this ~~title~~ article,

including, but not limited to, disclosing, reporting, or testifying about any violation of this ~~title~~ article or rules promulgated thereunder.

SECTION 14. Section 2-176-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-176-040 Application.

The City of Chicago ID shall be available to any Applicant regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, partnership status, parental status, military status, source of income, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053), criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054), housing status, or status as a victim of domestic violence, provided that the Applicant completes an application on a form provided by the Clerk, and fulfills the requirements for proving identity and residency in the City of Chicago as set forth in rules promulgated by the Clerk. The Clerk shall provide by rule an option for victims of domestic violence to designate an alternative address, and alternative methods by which individuals who are homeless can establish residency notwithstanding the lack of fixed address.

SECTION 15. Section 2-178-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-178-010 Definitions.

For purposes of this chapter, the following definitions apply:

"Agency" means every City department, agency, division, commission, council, committee, board, or other body established by authority of an ordinance or executive order.

"Agent" means any person employed by or acting on behalf of an Agency.

"Personal Demographic Information" means information concerning a person's race, color, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within the meaning of Section ~~2-160-053~~ 6-10-053) or criminal record or criminal history (within the meaning of Section ~~2-160-054~~ 6-10-054) that can be used to contact, track, locate, identify, or reasonably infer the identity of, a specific individual.

"Registry Program" means a public, private, or joint public-private initiative intended to create a compilation of Personal Demographic Information stored in any form. "Registry Program" does not include the decennial census mandated by Article I, Section 2 of the United States Constitution.

SECTION 16. Section 3-12-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

3-12-050 Senior citizens exempted when.

(Omitted text is unaffected by this ordinance)

(c) Persons residing in residences qualified for an exemption or refund under this section shall qualify for the exemption or refund by the submission of a copy of the applicant's birth certificate, or the applicant's driver's license, state-issued identification card or the Matricula Consular identification card specified in Section ~~2-160-065~~ 6-10-065 of the Code,

showing the applicant is aged 65 or over; proof of their qualification for homeowners exemption; and proof of residency. The acceptable document to prove residency shall be a copy of a utility bill for the residence. Acceptable documents to prove home ownership shall be a copy of: (i) the deed to the residence, (ii) property tax bill, or (iii) with regard to a residence held in trust, a declaration executed by the trustee, affirming that the residence is held in trust and that the trust gives the named applicant the right to occupy the residence. In lieu of the forms of proof specified in this paragraph (c), the Comptroller is authorized to accept alternative forms of proof that in the Comptroller's judgment are genuine and probative of the information sought. The Comptroller shall provide information regarding the process for obtaining an exemption or refund, and the associated forms, in Spanish as well as English.

(Omitted text is unaffected by this ordinance)

SECTION 17. Section 4-6-070 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-070 Day labor agency.

(Omitted text is unaffected by this ordinance)

(d) *Legal duties.* Each licensee engaged in the business of day labor agency shall have a duty to:

(Omitted text is unaffected by this ordinance)

(10) comply with the Chicago Human Rights Ordinance, Chapter ~~2-160~~ 6-10 of this Code, in connection with every decision and action of the day labor agency affecting the selection, hiring, assignment, compensation, retention and all other conditions of employment of day laborers;

(Omitted text is unaffected by this ordinance)

SECTION 18. Section 4-6-180 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-180 Hotel.

(a) Definitions. As used in this section:

(Omitted text is unaffected by this ordinance)

"Sexual harassment" means any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature; or (ii) request for sexual favors~~, or other verbal or physical conduct of a sexual nature.~~ when (1) submission to such conduct is made either explicitly or implicitly a 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; or (iii) sexual

misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

(Omitted text is unaffected by this ordinance)

(d) Departmental duties.

(1) The ~~department of buildings~~ Department of Buildings shall inspect each licensed hotel at least twice every year. Such inspection shall verify that the premises comply in all respects with the ventilation, sanitary, fire prevention and building provisions of this Code and the laws of the State of Illinois pertaining to such establishments. If, within the 12-month period prior to the date of any such bi-annual inspection, the hotel was inspected by the ~~department of buildings~~ Department of Buildings in connection with a periodic inspection, code compliance inspection or certificate of occupancy, such inspection shall be deemed to meet the inspection requirement set forth herein. The ~~department of health~~ Department of Health, ~~fire department~~ Fire Department, and ~~department of buildings~~ Department of Buildings are authorized to conduct such additional inspections as they deem necessary to maintain health and safety.

(2) The ~~superintendent of police~~ Superintendent of Police shall, when making a report relative to criminal activity on or immediately adjacent to the licensed establishment (1) conduct an investigation to determine whether a public nuisance within the meaning of subsection ~~(e)~~(f)(2) of this section occurred at the establishment or on immediately adjacent property; and (2) prepare a written investigative report summarizing the findings of such investigation and recommending appropriate legal and administrative action which may be taken in response to such public nuisance, including, but not limited to, license suspension or revocation; and (3) transmit the investigative report, within 48 hours of the incident identified in the police report, to the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection and ~~corporation counsel~~ Corporation Counsel for further action as warranted. Upon request by any alderman or ~~city council~~ City Council committee, the ~~corporation counsel~~ Corporation Counsel shall make the report submitted pursuant to this subsection available to such alderman or ~~city council~~ City Council committee for review.

(e) *Legal duties.* Each licensee engaged in the business of hotel shall have a duty to:

(Omitted text is unaffected by this ordinance)

(2) develop, maintain and comply with a written anti-sexual harassment policy to protect employees against sexual assault and sexual harassment by guests. Such policy shall: (a) encourage employees ("complaining employee") to immediately report to the licensee instances of alleged sexual assault and sexual harassment by guests ("offending guest"); (b) describe the procedures that the complaining employee and licensee shall follow in such cases; (c) instruct the complaining employee to cease work and to leave the immediate area where danger is perceived until hotel security personnel or members of the Police Department arrive to provide assistance; (d) offer temporary work assignments to the complaining employee during the duration of the offending guest's stay at the hotel, which may include assigning the employee to work on a different floor or at a different station or work area away from the offending guest; (e) provide the complaining employee with necessary paid time off to: (i) sign a complaint with the Police Department against the offending guest, and (ii) testify as a witness at any legal proceeding that may ensue as a result of such complaint, if the complaining employee is still in the licensee's employ at the time such legal proceeding occurs; (f) inform the employee that the Illinois Human Rights Act, Chicago Human Rights Ordinance and Title VII of the Civil Rights Act of 1964 provide additional protections against sexual

harassment in the workplace; and (g) inform the employee that subsection (f)(3) of this section makes it illegal for an employer to retaliate against any employee who reasonably uses a panic button or notification device, or in good faith avails himself or herself of the requirements set forth in subsection (e)(2)(c), (e)(2)(d), (e)(2)(e) of this subsection, or discloses, reports or testifies about any violation of this section or rules promulgated thereunder. Nothing in this subsection (e)(2) shall be construed to relieve the licensee from compliance with Section 4-4-306; and

(3) provide all employees with a current copy in English, Spanish, and Polish of the hotel's anti-sexual harassment policy required by subsection (e)(2), and post such policy in English, Spanish, and Polish in conspicuous places in areas of the hotel, such as supply rooms or employee lunch rooms, where employees can reasonably be expected to see it. This policy shall be in addition to the written policy document prohibiting sexual harassment required by Section 6-10-040.

(Omitted text is unaffected by this ordinance)

(f) Prohibited acts. It shall be unlawful for any licensee engaged in the business of hotel to:

(Omitted text is unaffected by this ordinance)

(2) knowingly permit prostitution, pimping, gambling or illegal possession or delivery of, or trafficking in, controlled substances or other drugs, including cannabis, to occur on or immediately adjacent to the licensed establishment; or to fail to discover such illegal acts on or immediately adjacent to the licensed establishment under circumstances in which a reasonable person, exercising ordinary care and diligence, would infer that such activity is taking place; or to fail to report to the police in a timely manner any criminal activity occurring on or immediately adjacent to the licensed establishment, if such criminal activity is observed by or reported to the licensee. Provided, however, that it shall be an affirmative defense to any prosecution under this subsection if the licensee immediately notified the police of the public nuisance occurring on or immediately adjacent to the licensed establishment. For purposes of this subsection, the term "licensee" also includes employees and agents of the licensee.

(Omitted text is unaffected by this ordinance)

SECTION 19. Section 4-6-290 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-290 Bed-and-breakfast establishment.

(Omitted text is unaffected by this ordinance)

(g) *Prohibited acts.* It shall be unlawful for any person engaged in the business of bed-and-breakfast establishment to:

(Omitted text is unaffected by this ordinance)

(7) violate Section ~~2-160-070~~ 6-10-070 in connection with the listing for rental, or rental of, the bed-and-breakfast establishment or any portion thereof.

(Omitted text is unaffected by this ordinance)

SECTION 20. Section 4-6-300 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-300 Vacation rentals.

(Omitted text is unaffected by this ordinance)

(h) Vacation rentals listed on a platform. If a vacation rental is listed on any platform, a licensee under this section shall have the following duties:

(Omitted text is unaffected by this ordinance)

(13) *Public accommodation – Discriminatory practices prohibited.* Each vacation rental shall be deemed to be a public accommodation within the meaning of Section ~~2-160-070~~ 6-10-070. It shall be unlawful for any person that owns, leases, rents, operates, manages or in any manner controls such public accommodation to withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income in violation of Section ~~2-160-070~~ 6-10-070.

(Omitted text is unaffected by this ordinance)

(j) *License – Suspension or revocation.*

(Omitted text is unaffected by this ordinance)

(2) *Suspension or revocation – Pre- deprivation hearing – Authorized when.* In addition to any other applicable reason, a vacation rental license may be suspended or revoked in accordance with Section 4-4-280 under the following circumstances:

(Omitted text is unaffected by this ordinance)

(v) *Unlawful discrimination.* When, in connection with the listing for rental or rental of a vacation rental, the ~~commissioner~~ Commissioner or the Chicago ~~commission~~ Commission on ~~human relations~~ Human Relations has determined that a violation of Section ~~2-160-070~~ 6-10-070 or Section 4-6-300(h)(13), as applicable, has occurred.

(Omitted text is unaffected by this ordinance)

SECTION 21. Chapter 4-14 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-14-040 Legal duties.

(Omitted text is unaffected by this ordinance)

(c) *Public accommodation – Discriminatory practices prohibited.* Each shared housing unit shall be deemed to be a public accommodation within the meaning of Section ~~2-160-070~~ 6-10-070. It shall be unlawful for any person that owns, leases, rents, operates, manages or in any manner controls such public accommodation to withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income in violation of Section ~~2-160-070~~ 6-10-070.

(Omitted text is unaffected by this ordinance)

4-14-080 Registration – Suspension or revocation.

(Omitted text is unaffected by this ordinance)

(c) *Suspension or revocation – Pre-deprivation hearing – Authorized when.* In addition to any other applicable reason, a shared housing unit registration may be suspended or revoked in accordance with this section under the following circumstances:

(Omitted text is unaffected by this ordinance)

(5) *Unlawful discrimination.* When, in connection with the listing for rental or rental of a shared housing unit, the ~~commissioner~~ Commissioner or the Chicago ~~commission~~ Commission on ~~human relations~~ Human Relations has determined that a violation of Section ~~2-160-070~~ 6-10-070 or Section 4-14-040(c), as applicable, has occurred.

(Omitted text is unaffected by this ordinance)

SECTION 22. Section 5-8-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

5-8-040 Definitions.

Wherever used in this chapter, the terms "age", "religion", "disability", "sexual orientation", "marital status", "parental status", "military status", "gender identity" and "source of income" shall have the meaning ascribed to ~~that term~~ each of those terms in Section ~~2-160-020~~ 6-10-020.

SECTION 23. Chapter 6-100 of the Municipal Code of Chicago is hereby amended by adding a new Section 6-100-040, as follows:

6-100-040 Notice and posting inspections.

The Commissioner has the duty and authority to enforce the notice and posting requirements imposed by Sections 6-10-040(b) and (d), 6-105-070, and 6-110-090.

SECTION 24. Chapter 8-4-085 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

8-4-085 Hate crimes.

(Omitted text is unaffected by this ordinance)

(d) As used in this section, "sexual orientation" means ~~heterosexuality, homosexuality or bisexuality~~ a person's actual or perceived sexual and emotional attraction, or lack thereof, to another person.

(Omitted text is unaffected by this ordinance)

SECTION 25. Section 9-115-180 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-115-180 Operating regulations.

(Omitted text is unaffected by this ordinance)

(l) All licensees and drivers must comply with all Federal, State of Illinois and City of Chicago non-discrimination laws. No licensee shall discriminate against any potential or existing employee, driver or passenger on account of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income, as defined in Section ~~2-160-020~~ 6-10-020.

(Omitted text is unaffected by this ordinance)

SECTION 26. This ordinance shall be in full force and effect 10 days following passage and publication, except for Section 6-10-040, which shall take effect on July 1, 2022.