City of Chicago
COMMISSION ON HUMAN RELATIONS

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RULES

implementing the

Chicago Human Rights Ordinance

Chicago Fair Housing Ordinance

Commission on Human Relations Enabling Ordinance

CONTENTS

Effective September 14, 2023

PART 100 GENERAL DEFINITIONS

Definitions for many key terms can be found in Article XIV of Chapter 2-120, and Article I of Title 6, especially in Section 6-10-020, of the Municipal Code of Chicago ("M.C.C."). All other definitions originate in these rules.

(1) **"Board of Commissioners"** means that body established by Section 2-120-490 of the Municipal Code of Chicago.

(2) **"Commencement of the hearing process"** means the issuance of an order appointing a hearing officer to conduct an administrative hearing.

(3) **"Commission"** means one or more of the staff responsible for the day-to-day operations of the Commission on Human Relations, including the Chair or Commissioner.

(4) **"Complainant"** means any person, including the Commission, that files a complaint with the Commission.

(5) **"Complaint"** means a sworn statement filed with the Commission either on the form provided for this purpose by the Commission or on a form that is its substantial equivalent, which alleges an ordinance violation and which includes the information required by Rule 210.120(c).

(6) **"Conciliation"** or "**Mediation"** is a process calling for parties to work together with the aid of a neutral facilitator – a conciliator or mediator – who assists them in reaching a settlement. The conciliator's role is advisory and non-binding, as the resolution of the dispute rests with the parties themselves. Conciliator or mediator means a person designated by the Commission to conduct a settlement conference or otherwise attempt to secure a voluntary settlement, but who does not participate in the investigation, serve as hearing officer, or in any other respect participate in the adjudication of the same case.

(7) **"Criminal History"** means an individual's arrest record and conviction record.

(8) **"Defective Complaint"** means a document filed with the Commission which appears to be intended as a complaint but which does not substantially meet the requirements of Rule 210.120 and so is treated pursuant to Rule 210.122(a).

(9) **"Final Order"** means (i) an order dismissing a complaint if no request for review is filed within the time period provided in Rule 250.110, (ii) a ruling on a request for review filed after an order dismissing a complaint, or (iii) the later of a Board of Commissioners ruling on liability after an administrative hearing or a Board of Commissioners ruling on attorney fees and costs, if any.

(10) **"Hearing Officer"** or "**Administrative Hearing Officer"** means any attorney duly licensed by the State of Illinois who is designated by the Commission to conduct an administrative hearing.

(11) **"Labor Organization"** means any organization, agency, or employee representation committee, group, association or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

(12) **"Membership in one of the Protected Classes"** means that a person is or has, or is perceived to be or have, one or more of the following: a particular race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (as to employment only), or criminal history.

(13) **"National Origin"** means the place in which a person or one of the person's ancestors was born. Being of a particular national origin means that a person has or is perceived to have the physical, cultural, or linguistic characteristics of a particular national origin group.

(14) **"Ordinance"** means one or more of the Chicago Human Rights Ordinance, Article I of M.C.C. Title 6 (sometimes referred to herein as "HRO"); the Chicago Fair Housing Ordinance, M.C.C. Chapter 5-8 (sometimes referred to herein as "FHO"); and the Enabling Ordinance establishing the Chicago Commission on Human Relations, Article XIV of M.C.C. Chapter 2-120.

(15) **"Party"** means either a complainant or a respondent.

(16) "**Person"** means, but is not limited, to, one or more individuals, corporations, partnerships, political subdivisions, municipal corporations or other governmental units or agencies, associations, labor organizations, joint apprenticeship programs, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in cases under Title 11 of the United States Code, receivers, trustees or other fiduciaries, and any successors or assigns thereof.

"Protected Class" means one or more of the following: race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, or source of income, credit history (employment only), criminal history (employment only).

(17) **"Respondent"** means any person, as defined herein, alleged by a complainant to have committed an ordinance violation.

(18) **"Sex"** means the status of being male or female.

"Violation" or "**Ordinance Violation"** means one or more acts prohibited by the Chicago Human Rights Ordinance or the Chicago Fair Housing Ordinance.

PART 200 PROCEDURAL REQUIREMENTS

SUBPART 210 PLEADINGS

SECTION 210.100 COMPLAINTS

Rule 210.110 General Jurisdiction

Any person, including persons not able to work lawfully in the United States, may file a complaint with the Commission if the complaint alleges an ordinance violation, if the alleged violation occurred within the City of Chicago, and if the complaint is filed no later than 365 days after the occurrence of the alleged violation. A complaint must meet all other jurisdictional requirements set by ordinance, these rules, Commission decisions, and court rulings.

Rule 210.120 Filing of Complaint

(a) Time for Filing

A complaint must be received by the Commission no later than 365 days after the date of the occurrence of the alleged ordinance violation. If the alleged violation is of a continuing nature, the date of occurrence may be any date subsequent to the commencement of the violation, up to and including the date on which it may have ceased.

(b) Filing Process

A complaint may be filed by mail, e-mail, electronic filing, personal delivery, or facsimile. A filing by e-mail or facsimile shall not be deemed complete until an original in paper form is received. A complaint is deemed filed upon receipt by the Commission at its place of business during its business hours.

(c) Complaint Content

A complaint must contain the following information to the best of the complainant's knowledge, information, and belief:

(1) Name, mailing address, and telephone number of the complainant.

(2) Identification of each individual or business respondent accused of the alleged ordinance violation. If the full or correct name is not known, the complaint must provide a title or other designation which identifies the respondent, such as "Owner of 1234 Main Street" or "President of ABC Company."

(3) The address of each respondent sufficient to enable the Commission to effect service by mail, and the telephone number, if known.

(4) A description of the conduct, policy, or practice alleged to constitute the ordinance violation, in such detail as to substantially apprise the respondent(s) and the Commission of the timing, location(s), and facts of the alleged violation as well as the basis or bases of discrimination.

(d) Form

A complaint must be in writing and comprehensible, using the Commission's form or a substantial equivalent. Documentation in support of the complaint may be submitted at the time of filing but will not be treated as part of the complaint. A complaint shall not exceed five pages without leave of the Commission.

(e) Oath

The complainant must sign the complaint under oath, using the following oath or one that is substantially equivalent: "I swear or affirm that I have read this complaint and that it is true and correct to the best of my knowledge, information, and belief." Notarization is not required.

(f) Request for Relief

Complainants are not required to specify the relief requested at the time of filing. A request in a complaint for certain types or amounts of relief shall not be deemed a waiver of any other relief.

(g) Effect of Filing on Other Claims

Filing of a complaint or the failure to file a complaint with the Commission does not bar any person from seeking any other remedy provided by law except that, in certain instances, one or more intergovernmental agreements may specify the governmental agency or court before which a person may pursue the complaint.

Rule 210.122 Treatment of Adequate and Defective Complaints

(a) Notice of Defective Complaint

If the Commission receives a document which does not substantially meet the requirements of Rule 210.120, the Commission shall record the date of filing on the face of the document but shall not docket it as a complaint or proceed to investigate it. Instead, the Commission shall mail to the person submitting the document a notice stating the defect or omission which must be corrected. The notice shall explain that the submitted document has not been accepted as a complaint, that it is the person's responsibility to file an adequate complaint no later than 365 days after the occurrence of the alleged ordinance violation, and that failure to file an adequate and timely complaint means that the person cannot proceed before the Commission with any claims stated in the document.

The Commission may attempt to telephone or otherwise assist the person submitting the document but is not required to do so. Neither the submission of a defective complaint nor any attempt by the Commission to contact or assist a person seeking to file a complaint shall toll the 365-day filing deadline or relieve the person of responsibility to file an adequate complaint. The Commission is not required to retain any defective complaint or accompanying materials for more than 365 days.

(b) Docketing of Substantially Adequate Complaints

When the Commission receives a document which substantially meets the requirements of Rule 210.120, the Commission shall docket it as a complaint by recording the date of filing and assigning a case number, shall serve it on the respondent(s) as set forth in Regs. 210.140 and 210.210, and in other respects shall initiate the investigation process.

Rule 210.125 Failure to Provide Information Adequate to Enable Service

If the name (or other identifier) and address of any respondent which was provided in a complaint proves inadequate to enable the Commission to serve the complaint on the respondent, the Commission shall first determine whether the error is readily identifiable and readily correctable (such as an incorrect zip code), and if so shall re-serve the complaint using the correct information and treat the error as a technical defect or omission under Rule 210.145.

If the Commission determines that the error is not readily identifiable and readily correctable, the Commission shall issue a notice of potential dismissal which informs the complainant of the nature of the inadequacy, explains that the complainant must amend the complaint with information sufficient to enable service, and warns that failure to so amend the complaint shall lead to dismissal as to any respondent who cannot be served. The notice shall allow at least 14 days from the date of mailing to amend the complaint.

If the complainant amends the complaint to enable service, the amendment shall relate back to the original filing date and the Commission shall serve the initial and amended complaint as set forth in Rule 210.140, allowing 28 days to respond. If the complainant does not respond to the notice or does not amend the complaint with information sufficient to enable service, the Commission shall dismiss the complaint as to any respondent that cannot be served.

Rule 210.127 Complainant's Obligations to Cooperate

A complainant with a pending case must promptly notify the Commission of any change of address or provide a temporary address during any prolonged absence from a current address. A complainant is required to participate in the Commission's processing of the case and to provide the Commission with information needed in order for the case to proceed. A complainant must be available for any interviews, conferences, meetings, and administrative hearing on reasonable notice. Failure to cooperate with these and other rules, notices, or orders may lead to dismissal of the complaint pursuant to Rule 235.210. To the extent that complainant cooperation requirements and dismissal procedures stated in other rules differ from those stated in this rule, the more specific provision shall apply.

Rule 210.130 Commission-Initiated Complaints

When the Commission has reason to believe that any person has violated the ordinance, the Commission may itself initiate a complaint. The Commission shall have sole discretion to determine what complaints it shall or shall not initiate. The Commission may use testers to obtain information to determine whether or not to file a complaint as well as any other investigative method permitted by ordinance. A Commission-initiated complaint shall be signed by any staff member authorized to do so by the Chair/Commissioner and shall meet the content requirements set forth in Rule 210.120. Any staff member who signs a complaint on behalf of the Commission shall not participate in any determination concerning that case including whether there is substantial evidence of an ordinance violation.

Rule 210.140 Service of Complaint

Within 10 days of filing, the Commission shall serve on each respondent a copy of any complaint or amended complaint filed against the respondent. Service may be effected in person or by depositing the copy in a United States mailbox within 7 days of the date of filing. Service by mail shall be deemed complete 3 days after mailing of the complaint, properly addressed and posted for delivery to the person to be served, unless the person proves that the complaint was not actually received on that day. If the Commission fails to serve a complaint on a respondent due to Commission error, the Commission shall correct the error and re-serve the complaint, allowing the same number of days to respond as initially provided.

In complaints alleging sexual harassment in employment, the Commission may, upon written motion by the complainant, delay the service of a complaint to the respondent up to 30 days after it is filed.

Rule 210.145 Amendment to Cure Technical Defects or Omissions

A complaint may be amended as a matter of right by the complainant to cure technical defects or omissions at any time. Such an amendment shall relate back to the original filing date. A technical defect or omission includes but is not limited to failure to sign a complaint under oath. On discovering a technical defect or omission, the Commission shall mail a notice or order to the complainant describing the defect or omission and instructing the complainant to amend the complaint to correct it.

Mere misnomer, that is, a mistake in naming a person or place, shall not be grounds for dismissal and may be cured at any time as long as the correct party was actually served.

Rule 210.150 Amendment of Claims or Allegations

(a) This rule does not apply to amendments to cure technical defects or omissions.

(b) Amendment Before Determination as to Substantial Evidence

A complaint may be amended as a matter of right before a determination as to whether there is substantial evidence of the ordinance violation(s) alleged. An amended complaint shall relate back to the original filing date if it only clarifies or amplifies the allegations of the original complaint. An amended complaint may state a new claim or incident of prohibited conduct if the alleged conduct occurred within 365 days of the filing of the amended complaint.

(c) Amendment After Determination of Substantial Evidence

After a determination of substantial evidence but prior to an administrative hearing, a complainant seeking to amend the complaint must file and serve a written motion to amend as soon as possible after learning of the information which forms the basis for the motion. The Commission (or hearing officer if one has been appointed) may grant the motion on finding all of the following:

(1) The claim or allegation to be added did not arise before the filing of the original complaint and any previous amended complaints or, if it did, the complainant did not know and could not have known of it before the Commission's substantial evidence finding.

(2) The claim or allegation to be added is substantially related to those in the original complaint and any previous amended complaints.

(3) Addressing the new claim or allegation will not raise new, material factual or legal issues not considered by the Commission in its investigation.

(4) Any objecting party has failed to demonstrate that including the claim or allegation would prejudice the party in maintaining its action or defense on the merits.

At the administrative hearing, when issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated as if they had been raised in the pleadings. Amendment of pleadings to conform to the evidence and raise such issues may be granted on the motion of any party at any time, even after a final order, but failure to amend does not affect the result of the hearing as to such issues. If a party objects to admission of evidence on the ground that it is not within the issues raised by the pleadings, the hearing officer may allow amendment of the pleadings and shall do so if the criteria for amendment after a determination of substantial evidence are met. An oral motion to amend may be allowed at the hearing. The hearing officer may grant a continuance to enable an objecting party to support the objection or meet the evidence, or both.

(d) Form of Motion to Amend

Before a determination of substantial evidence, no motion to amend is required to file an amended complaint. After a determination of substantial evidence, a written motion to amend the complaint must be filed with the Commission and served on all parties and the hearing officer. The motion must state the reason for seeking to amend the complaint, must establish that the applicable criteria for amendment after a substantial evidence finding are met, and must include either the proposed amended complaint or a specific statement of the proposed amendment.

(e) Form of Amended Complaint

Any amended complaint prior to a determination of substantial evidence must be in writing, signed under oath by the complainant, and in compliance with the form and content requirements of Rule 210.120(c) and (d). In granting a motion to amend, the Commission or hearing officer may order the filing of an amended complaint or may specify that the order granting the motion is sufficient. For amendments granted at the administrative hearing, the hearing officer may allow an amendment

to be stated orally on the hearing record.

(f) Responses

(1) Any objection to a motion to amend a complaint must be filed and served within 14 days of the filing of the motion. Replies shall be permitted only on leave of the hearing officer.

Unless otherwise ordered, any response to an amended complaint must be filed and served within 28 days of its filing.

Rule 210.160 Amendment to Add or Substitute Parties

(a) Substitution or Addition of Complainant

(1) A complaint may be amended to substitute or add complainants. The amendment shall relate back to the original filing date upon finding all of the following:

(i) The claims of the new complainant arise out of the same transaction(s) or occurrence(s) set forth in the original complaint.

(ii) The respondent(s) knew or should have known that the new complainant might be involved as a complainant.

(iii) If after a determination of substantial evidence, the addition does not raise new, material factual or legal issues not considered by the Commission in its investigation.

(iv) Any objecting party has failed to demonstrate that the amendment would prejudice the party in maintaining its claim or defense on the merits.

(2) To substitute or add a complainant prior to a determination of whether there is substantial evidence, the complainant must file an amended complaint. When adding a complainant, the new complainant as well as the prior complainant must sign the amended complaint under oath.

(3) After a determination of substantial evidence, a complainant seeking to substitute or add a complainant must file and serve a written motion to amend, except that the hearing officer may allow an oral motion at any administrative hearing. The motion may be allowed at or after an administrative hearing only if the information which forms the basis for the motion was first learned at the hearing and could not have been learned beforehand, such as during discovery. The hearing officer may grant a continuance to enable an objecting party to support the objection or meet the evidence, or both.

(b) Substitution or Addition of Respondent

(1) To substitute or name an additional respondent prior to a determination of whether there is substantial evidence, the complainant must file an amended complaint. The amendment shall relate back to the original filing date upon finding either (i) that at the time of amendment, a separate complaint could be filed against the new respondent, or (ii) that the new respondent had received notice of the original complaint and of the fact that the respondent might be involved, so that the respondent will not be prejudiced in maintaining a defense on the merits.

(2) After a determination of substantial evidence, a complainant seeking to substitute or add a respondent must file and serve a motion to amend, except that the hearing officer may allow an oral motion at any administrative hearing. The motion may be allowed at or after an administrative hearing only if the information which forms the basis for the motion was first learned at the hearing and could not have been learned beforehand, such as during discovery. All of the following elements must be satisfied in order for the amendment to be granted

and to relate back to the original filing date:

(i) The claims against the new respondent must arise out of the same transaction(s) or occurrence(s) set forth in the original complaint.

(ii) The new respondent was notified or had knowledge of the filing of the original complaint.

(iii) The original complaint was such that the new respondent knew or should have known, within the 365-day filing period, that the complaint arose from a transaction or occurrence in which the respondent was involved.

(iv) The addition does not raise new, material factual or legal issues not considered by the Commission in its investigation.

(v) Any objecting party has failed to demonstrate that the amendment would prejudice the party in maintaining its claim or defense on the merits.

(c) Death of a Party

When an individual party dies while a case is pending, the party's legal successor may be substituted for the deceased by amendment of the complaint including an allegation that the individual is the party's legal successor. If a respondent dies without a known successor, the Commission shall proceed under Rule 235.300. If the Commission learns that a complainant in a pending case has died, it shall make a reasonable inquiry to identify a legal successor. The Commission's reasonable inquiry may include reviewing its records for information about a possible successor but need not include surveillance or a search of court records, other public information, or business records. If the Commission is unable to identify a legal successor, it shall send a notice to the complainant's last known address seeking information, and if there is no adequate response shall dismiss the case pursuant to the procedures in Rule 235.210. If the Commission identifies a possible legal successor, it shall send a notice of potential dismissal to that person explaining the substitution procedure and requiring the person either to file an amended complaint as substitute complainant or to provide the name and address of a possible legal successor no fewer than 14 days from the mailing of the notice in order to avoid dismissal of the case.

(d) Motions to Amend, Amended Complaints, and Responses

Procedures for motions to amend complaints, amended complaints, and responses concerning the addition or substitution of parties shall be as set forth in Rule 210.150(d), (e), and (f) for amendment of claims or allegations.

Rule 210.170 Class Actions

Class actions, including but not limited to those described in Rule 23 of the Federal Rules of Civil Procedure, may not be filed at the Commission at any time.

Rule 210.180 Consolidation

Whenever two or more complaints or claims involve a common question of law or fact, the Commission may consolidate them, or it may order a fact-finding conference, jurisdictional hearing, settlement conference, or administrative hearing concerning the common question(s) whenever this can be done without prejudice to any party. A party that believes it will be prejudiced may file written objections within 14 days of being notified of the consolidation. The Commission may require or allow responses to any objections from other parties and shall rule on the objections by mail.

Rule 210.190 Voluntary Withdrawal of Complaint

A complainant may unilaterally withdraw all or part of a complaint at any time. A complainant's request to withdraw must be in writing and signed by either the complainant or the complainant's attorney of record. The Commission (or hearing officer if applicable) shall approve the request if it is knowingly and voluntarily made and shall issue a dismissal order notifying all parties of the scope of the withdrawal and dismissal. Withdrawals pursuant to a private settlement agreement are also subject to Rule 230.130(d).

If after informing the Commission or hearing officer of intent to withdraw the complaint, a complainant does not respond to a written notice or order setting a date to submit either a properly signed withdrawal or a written statement of intent to proceed with the case, the Commission may dismiss the case for failure to cooperate pursuant to Rule 235.210 and may impose other sanctions pursuant to Subpart 235.

Rule 210.195 No Action Possible Against Respondent

If after the Commission has served the complaint on a respondent, a reasonable inquiry reveals that no action can be taken against the respondent, the Commission shall issue a notice of potential dismissal as to the respondent pursuant to Rule 235.210(a). The notice shall describe the circumstances and allow the complainant no fewer than 14 days from the date of mailing to submit information sufficient to allow the case to proceed. If the complainant does not do so, the Commission may dismiss the respondent and proceed only against any respondent still viable.

Examples of grounds for dismissal under this rule include that a business respondent is out of business without a known successor or that an individual respondent is deceased without a known successor. The Commission's reasonable inquiry may include ascertaining the name and address of the registered agent of a business respondent but need not include surveillance or a search of court records, other public information, or business records. However, if it appears that a respondent has only moved or changed its status without providing the updated information required by Rule 210.270, the Commission shall not dismiss the respondent but shall proceed as set forth in Rule 210.270.

SECTION 210.200 RESPONSES TO COMPLAINTS

Rule 210.210 Notice of Response Requirements

At the time the Commission serves a complaint or amended complaint, it shall notify each respondent of the procedure to file and serve a written response and the possible penalties for failure to respond. If the Commission believes a complaint does not meet its jurisdictional requirements or does not state a claim on which relief may be granted, the Commission may issue an order dismissing the complaint in whole or in part, or may seek information or briefing on the issue.

Rule 210.220 Deadline to Respond

Unless otherwise ordered, any response to a complaint or amended complaint must be filed and served within 28 days of the date of mailing or other service of the complaint under the procedure stated in Rule 210.140. If an amended complaint does not include substantive amendments, the Commission may shorten the time to file and serve any response to no fewer than 14 days. If the Commission seeks information or briefing on a jurisdictional or complaint sufficiency issue, it may extend or suspend any response deadline pending resolution of the issue.

Rule 210.230 Extension of Time to Respond

A respondent may seek an extension of time to submit all or part of a response pursuant to Rule 210.320.

Rule 210.240 Form of Certification

The certification of a response must use the following or substantially equivalent language:

I certify that a reasonable inquiry of known and readily available information has been made and

that the statements set forth above are true and correct except as to those stated to be on information and belief, as to which I certify that I believe them to be true.

The signature, the legible printed name of the person signing the certification, and the date of signature must be provided. If a respondent is a business, corporation, organization, or other non-individual entity, the certification must be signed by a person who has authority to bind that respondent; the signature of outside counsel is not sufficient; and the name of the entity and title of the person signing must also be provided, e.g. "I am the [title] of [business respondent] with authority to bind the respondent."

Rule 210.250 Form and Content of Response

A complete response consists of two parts, as described below.

(a) Written Response to Allegations

The response must be in writing and must contain the following information to the best of the respondent's knowledge, information, and belief. The Commission may specify a form to be used and page limits. The Commission shall consider the response to be a pleading and may use it in the same manner and with the same force and effect as though it were signed and sworn to under oath.

(1) The correct, full name and address of each named respondent, including for corporate, organizational, or other non-individual respondents the name and address of its representative who will serve as contact person for the case.

(2) Statements admitting or denying each fact alleged in the complaint. If, after a reasonable inquiry of known and readily available information, the respondent is without sufficient knowledge to form a belief as to the truth of an allegation, that must be stated. Any allegation for which there is no responding statement shall be deemed admitted for purposes of determining whether there is substantial evidence of an ordinance violation.

(3) A brief statement of the respondent's position and defenses to the claims in the complaint, if not included in the statements of admission or denial. Any affirmative defenses must be stated in the response in order to be considered in determining whether there is substantial evidence of an ordinance violation.

(4) The signature and certification of each respondent submitting the response, as described in Rule 210.240.

(b) Supporting Documentation

The respondent must enclose with the response all supporting documentation it wishes the Commission to consider in completing the investigation and determining whether there is substantial evidence of the alleged ordinance violation. Supporting documentation may include copies of relevant evidentiary documents, witness statements or affidavits, information on evidence available from other sources, and a memorandum of law. Unless otherwise ordered, supporting documentation need not be served on the complainant.

Rule 210.260 Failure to Respond

If a respondent fails to file or serve a timely, complete response, the Commission may take one or more of the following actions:

(a) Order the respondent to cure any deficiency and then enter an order of default if the respondent fails to comply.

(b) Deem admitted any allegation in the complaint for which there is no response, when determining whether there is substantial evidence of an ordinance violation.

(c) Proceed to determine whether there is substantial evidence of an ordinance violation without further inquiry to the respondent.

Rule 210.270 Respondent Obligations

(a) Preservation of Records

Once a respondent has knowledge of the complaint, the respondent must preserve all records and other material which may be relevant to the case until the matter is closed. If a respondent knowingly destroys or fails to maintain records and other material (i) in anticipation of the filing of the complaint, (ii) due to the filing of complaint or the Commission's investigation, or (iii) otherwise with intent to defeat the purposes of the ordinances, the Commission or hearing officer, as applicable, may impose appropriate sanctions including those set forth in Subpart 235.

(b) Updating of Contact Information and Status

Once a respondent has knowledge of a complaint, it has a continuing obligation to keep the Commission informed of current contact information and status, as follows:

(1) Any business, corporation, organization, or other non-individual entity must inform the Commission of any change in its own or its contact person's name, address, and telephone number. In addition, it must inform the Commission whenever the status of the entity changes, such as when it closes, files for bankruptcy protection, or is sold in whole or in part, and then must provide the current name, address, and telephone number for its representative(s) or successor(s).

(2) Any individual respondent must inform the Commission of any change in address or telephone number. A representative must inform the Commission when an individual respondent dies and provide the name, address, and telephone number of the individual's successor.

If a respondent fails to update the Commission about contact information and status, the Commission shall send orders, notices, and other documents to the most recent address the Commission has and that shall be deemed sufficient. A respondent that does not update contact information cannot later rely on failure to receive any order, notice, or other document as a defense.

The Commission shall notify each respondent of the requirements of this rule when it sends the initial notification of the complaint.

Rule 210.280 Counterclaims

Counterclaims cannot be filed at the Commission at any time.

SECTION 210.290 COMPLAINANT REPLY AND SUPPORTING DOCUMENTATION

Rule 210.292 Complainant Opportunity to Reply

A complainant may file and serve a reply to any response within 28 days of the filing of the response, unless otherwise ordered. The reply may state the complainant's position as to any aspect of the response. The Commission may specify a form to be used and page limits. The Commission shall consider the reply to be a pleading and may use it in the same manner and with the same force and effect as though it were signed and sworn to under oath.

Rule 210.294 Deadline for Complainant's Supporting Documentation

The complainant must enclose with the reply all supporting documentation the complainant wishes the Commission to consider in completing the investigation and determining whether there is substantial evidence of an ordinance violation. Supporting documentation may include copies of relevant evidentiary documents, witness statements or affidavits, information on evidence available from other sources, and a memorandum of law. If no response is filed or served, and no other deadline is specified by the Commission, Complainant's supporting documentation must be filed no later than 28 days from the latest deadline for any response to assure consideration. Unless ordered, supporting documentation need not be served on any respondent.

Rule 210.296 Extension of Time to Reply or Submit Supporting Documentation

A complainant may seek an extension of time to submit all or part of a reply or supporting documentation pursuant to Rule 210.320.

Rule 210.298 Failure to Reply or Submit Supporting Documentation

If a complainant fails to file or serve a timely, complete reply or supporting documentation, the Commission may proceed to determine whether there is substantial evidence of an ordinance violation without further inquiry to the complainant.

SECTION 210.300 MOTIONS AND BRIEFING

Rule 210.310 General Rules for Motions

To the extent that a more specific rule differs from the general provisions in this rule, the specific rule shall take precedence.

All motions made before commencement of the hearing process must be in writing, served on all parties, and filed with the Commission. If a motion is filed after the commencement of the hearing process, it must also be served on the hearing officer and must comply with rules and orders pertaining to the hearing process.

All responses and objections to written motions must be filed and served within 14 days of the filing of the motion. The Commission or hearing officer may alter this schedule by order and may limit the number of pages permitted. Decisions shall be issued by mail.

The Commission shall rule on all motions filed prior to commencement of the hearing process. The hearing officer shall rule on all motions filed after commencement of the hearing process except that the Commission shall rule on motions to dismiss for lack of subject matter jurisdiction and motions to vacate or modify procedural sanctions imposed prior to commencement of the hearing process.

Rule 210.320 Motions for Extension of Time or Continuance

(a) Extensions of Time

Motions for an extension of time to file any pleading, brief, or other document must be filed and served as soon as the reasons for the extension are known to the party seeking it. The motion must state the number of previous motions for extension of time or continuance filed in the case by the moving party, the disposition of such motions, and the reasons this extension is needed. The motion will be granted only for good cause shown.

(b) Continuances

Motions for continuance of any settlement conference, pre-hearing conference, administrative hearing, or

other ordered appearance of a party must be filed and served as soon as the reasons for the continuance are known to the party seeking it. The motion must state the number of previous motions for extension of time or continuance filed in the case by the moving party, the disposition of such motions, and the reasons this continuance is needed. The motion will be granted only for good cause shown. A motion for continuance of an administrative hearing to permit discovery shall not be granted unless due diligence as well as good cause is shown.

(c) Review of Dismissals

If a complainant wishes to seek a motion for extension of time to file a request for review under this rule, said motion must be filed within 28 days of the mailing of the dismissal order.

(d) Objections and Decisions

Objections to a motion for extension of time or continuance shall be permitted only on leave of the Commission or hearing officer, as applicable. The Commission or hearing officer shall issue a written order granting or denying the motion; or a hearing officer may rule on the transcribed record of the hearing.

Rule 210.330 Motions to Dismiss

The Commission may dismiss a case in whole or in part for lack of subject matter jurisdiction *sua sponte* at any time. Filing of a motion to dismiss does not automatically stay proceedings or extend the time for any other filing, although the Commission may order an extension or stay pending resolution of the motion.

Rule 210.340 Motions for Summary Judgment

The Commission shall not accept motions for summary judgment at any stage of the proceedings.

Rule 210.350 Commission-Initiated Briefing

The Commission may order any party to submit briefs or other information to help clarify or resolve an issue and may set due dates and page limits for such briefs.

SECTION 210.400 FRIVOLOUS PLEADINGS OR REPRESENTATIONS

Rule 210.410 Effect of Submissions to Commission

Every pleading, motion, other document, or oral statement submitted by a party or attorney in a case is deemed to certify to the best of the person's information, knowledge, and belief after reasonable inquiry:

(a) That its allegations and other factual contentions have evidentiary support or, if so identified, are likely to have evidentiary support after reasonable opportunity for investigation or discovery.

(b) That any denials of factual contentions are warranted on the evidence or, if so identified, are reasonably based on a lack of information or belief.

(c) That any evidentiary document is a genuine original or a true and correct copy of a genuine original.

(d) That it is not being presented for any improper purpose, such as to harass or cause unnecessary delay or increase in the cost of the proceedings.

(e) As to attorneys only, that the claims, defenses, and other legal contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.

Rule 210.420 Penalties for Frivolous Pleadings or Representations

Upon determining that Rule 210.410 has been violated, the Commission or hearing officer may immediately strike the document or exclude the evidence in question. In addition, as provided in Subpart 235, the Commission or hearing officer may issue an order of dismissal or default and may impose monetary sanctions. In the case of a complaint deemed to be clearly frivolous, clearly vexatious, or brought primarily for the purpose of harassment, the Commission is authorized to impose a fine on the complainant of not less than $250 and up to $1,000 for each such filing.

SUBPART 220 INVESTIGATION AND SUBPOENA PROCEDURES

SECTION 220.100 INVESTIGATION PROCESS

Rule 220.110 Description of Investigation

(a) Scope of Inquiry

At any time after the filing of a complaint, the Commission may seek information to enable it to determine whether there is substantial evidence of an ordinance violation. The Commission's investigation of a complaint shall consist of the following:

(1) Requesting and reviewing a written response from each respondent pursuant to Section 210.200.

(2) Requesting and reviewing a written reply and supporting documentation from each complainant pursuant to Section 210.250.

(3) Reviewing any other submissions received.

(4) Further evidence-gathering if necessary to determine whether there is substantial evidence of an ordinance violation, to the extent that such evidence is (i) readily available through voluntary cooperation or use of the Commission's investigatory powers and (ii) relevant or reasonably likely to lead to relevant evidence.

The Commission may also conduct investigations to assess compliance with a final order awarding relief or an approved settlement, and to decide whether to file Commission-initiated complaints.

(b) Investigative Methods

The Commission may employ any of the following evidence-gathering methods, which are not intended to be exclusive:

(1) The Commission may interview individuals who appear to have relevant knowledge about a claim or defense. The Commission is not required to interview individuals suggested by a party.

(2) The Commission may use its staff or other individuals as testers to investigate possible ordinance violations and monitor compliance with the ordinances, a final order, or an approved settlement. The Commission may use testers in deciding whether to file Commission-initiated complaints.

(3) The Commission may seek and review documents and may inspect physical evidence.

The Commission may seek voluntary cooperation with an investigation or may utilize investigative orders

and subpoenas as described in these rules.

Rule 220.120 Investigative Orders to Parties

At any time after the filing of a complaint, the Commission may issue an order requiring a party to submit documents or information; to appear for an interview if an individual party; to make an owner, officer, director, or employee available for an interview if a business party; or to allow onsite inspection of documents, premises, or other physical evidence within the party's possession or control. Investigative orders need not be served on the other parties.

(a) Time to Comply

An investigative order shall state a date and time for filing of a written response or other compliance which shall not be fewer than 7 days from mailing or other service of the order. The party may seek an extension of time or other rescheduling by filing a motion pursuant to Rule 210.320. The motion need not be served on other parties unless ordered by the Commission.

(b) Compliance Procedure

The party must completely respond or otherwise comply as to each item requested in the investigative order, or must submit a written explanation establishing good cause for not doing so. Any written response must specify which information responds to which request. If a party has no documents or other information responsive to a certain request, the party must state that in the response and certify that a reasonable effort has been made to obtain the information.

(c) Objections

A party objecting to one or more requests must state each objection with specificity in writing and include the statement with any written response or file it at least two business days prior to the date set for any other compliance (such as a site inspection or interview). The Commission may issue an amended order, withdraw or cease to pursue the request, or deny the objection and enforce compliance.

(d) Penalties for Failure to Comply

If without good cause a party fails to comply in whole or in part with an investigative order, the Commission may take one or more of the following actions:

(1) As to a complainant, dismiss the complaint pursuant to Section 235.200.

(2) As to a respondent, enter an order of default pursuant to Section 235.300.

(3) Impose a fine pursuant to Rule 235.420.

Rule 220.130 Continuing Obligation to Provide Relevant Information

Complainants and respondents have a continuing obligation, throughout the investigative process, to provide the Commission with documents and information which may be relevant to the case. In particular, if a party discovers documents or other information relevant to an order or request previously made by the Commission, the party must submit the information.

SECTION 220.200 SUBPOENA PROCEDURES

Rule 220.210 Issuance of a Subpoena

The Commission may issue a subpoena for the appearance of witnesses, the production of evidence, or both,

in the course of investigations and hearings, if there is reason to believe that a violation has occurred and the testimony, documents, or other items sought by the subpoena are relevant to the investigation. The subpoena shall identify the person to whom it is directed; the documents or other items sought, if any; the date, time, and place for the appearance of the witness and/or production of the documents or other items described. The date for examination or production shall be no less than 7 days after service of the subpoena. The Commission shall not issue a subpoena to any member of the City Council, any employee or staff person of any member of the City Council, or any employee or staff person of any City Council Committee.

If a person does not comply with a subpoena on the date set for compliance, for any reason, the subpoena shall continue in effect for up to one year or until full compliance is made or waived, and a new subpoena need not be issued during that time. If necessary, the person may be notified of the new compliance date by order or other written notice.

(a) Commission-Initiated Subpoena

The Commission may issue a subpoena on its own initiative at any time.

(b) Party-Initiated Subpoena

Parties may not seek subpoenas before the commencement of the hearing process. After commencement of the hearing process, a party may move for leave to have a subpoena issued in connection with the administrative hearing. The motion must be in writing, must be dated, and must state the reasons the information sought is relevant to the case and could not be obtained through any other means. The Commission shall make subpoena forms available to parties, and the moving party must attach to its motion subpoenas which are completed except for the relevant signature. The motion must be served on the hearing officer and all other parties and filed with the Commission. The motion must be made no fewer than 21 days before the date for examination or production, unless the moving party shows that the need for the subpoena was not known and could not have been known until the time of the motion. The hearing officer shall rule on the motion in writing. If the motion is granted, the Commission or the hearing officer shall issue (sign) the subpoena. The moving party is responsible for service of the subpoena, the cost of service, and all witness and mileage fees. The Commission will not seek enforcement of a subpoena unless it is served in accordance with M.C.C. Section 2-120-510(k) and Rule 220.220.

Rule 220.220 Manner of Service

A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent,[1] and subject to the same witness and mileage fees fixed by law for such subpoenas.[2]

Rule 220.230 Objections to Issued Subpoenas

(a) Objections by Person Subpoenaed

No later than the time for appearance or production required by the subpoena, the person to whom the

[1] Illinois Supreme Court Rule 204(a)(2) provides in relevant part: "Service of a subpoena by mail may be proved prima facie by a return receipt showing delivery to the deponent or his authorized agent by certified or registered mail at least seven days before the date on which appearance is required and an affidavit showing that the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, date and address of delivery, with a check or money order for the fee and mileage enclosed."

[2] Illinois Supreme Court Rule 208(b) provides that a deponent is entitled to "the fees and mileage allowance provided by statute for witnesses attending courts in this State." 705 ILCS 35/4.3(a) in turn provides that a witness is entitled to $20 for each day's attendance at a court trial and 20 cents per mile each way for necessary travel. (P.A. 98-826, effective August 1, 2014)

subpoena is directed may object to the subpoena in whole or in part. The objection must be in writing, delivered to the Commission and must specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the Commission shall take no action to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period the Commission, or the hearing officer conducting the hearing or investigation, shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed. The seven-day period may be extended by the Commission, or the hearing officer conducting the hearing or investigation, in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of the response thereto. The filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with or obstruction of an investigation. The Commission, or the hearing officer if one has been appointed, shall rule on the objection.

(b) Objections by Parties

For subpoenas issued prior to commencement of the hearing process, only the person subpoenaed may object. After commencement of the hearing process, a party other than the person subpoenaed may object to an issued subpoena by a motion to quash if the party has not been allowed to object or brief the issue prior to issuance of the subpoena. The motion to quash must be in writing, filed with the Commission, and served on all other parties, the hearing officer, and the person to whom the subpoena was directed, except that if the order granting the subpoena was mailed or otherwise served fewer than 14 days prior to the first day of the administrative hearing, the motion to quash may be made orally at the hearing unless the hearing officer requires it to be made in writing. Whether written or oral, the motion must state all reasons for objecting to the subpoena. The hearing officer may allow other parties and the person to whom the subpoena was directed to respond to the motion either in writing at any time or orally at the administrative hearing, and shall rule on the motion.

Rule 220.240 Failure to Comply with Subpoena

(a) Fine

Failure to comply with a properly issued subpoena shall constitute a separate violation of the Human Rights Ordinance or the Fair Housing Ordinance. Every day that a person fails to comply with a subpoena shall constitute a separate and distinct violation for which a fine may be imposed not exceeding $1,000.

(b) Judicial Enforcement

In addition to any fine, when the subpoena is directed to a person not controlled by a party and that person fails to comply without good cause, the Commission or hearing officer may seek judicial enforcement of the subpoena.

(c) Additional Penalties If Controlled by a Party

If a person controlled by a party fails to comply with a subpoena without good cause, then in addition to any fine the Commission, or hearing officer if after commencement of the hearing process, may enter an order of default or dismissal order pursuant to Subpart 235. The hearing officer may also refuse to allow the subpoenaed witness to testify or the subpoenaed documents to be introduced as evidence to support the controlling party.

(d) Motion to Compel Compliance with Subpoena

A party seeking enforcement of a subpoena issued by a hearing officer during the hearing process must move to compel compliance with the subpoena pursuant to Rule 240.456. The motion must be filed and served no later than 7 days after the later of the date of compliance or the end of any negotiation period. If the due date is fewer than 14 days prior to the first day of the administrative hearing, the motion may be made orally at

the hearing unless the hearing officer requires it to be made in writing. The motion must be served on the person to whom the subpoena was directed in addition to all others required to be served. The hearing officer may allow other parties and the person to whom the subpoena was directed to respond either in writing at any time or orally at the administrative hearing.

SECTION 220.300 SUBSTANTIAL EVIDENCE AND OTHER DETERMINATIONS

Rule 220.310 Determination as to Substantial Evidence

After completing the investigation of a complaint, the Commission shall issue a written determination within 30 days as to whether there is substantial evidence that an ordinance violation has occurred. The determination shall be mailed to all parties.

Rule 220.320 Decision Process

The Chair/Commissioner may authorize one or more senior staff of the Commission, either individually or collectively as specified, to issue orders and render decisions not within the authority of appointed hearing officers or the Board of Commissioners. Such decisions include but are not limited to the following:

(a) Determinations as to whether there is substantial evidence of an ordinance violation.
(b) Approval of settlement agreements.
(c) Dismissals for lack of jurisdiction and/or failure to state a claim on which relief can be granted.
(d) Dismissals based on requests for voluntary withdrawal of a claim or complaint prior to commencement of the hearing process.
(e) Dismissals for failure to cooperate prior to commencement of the hearing process.
(f) Decisions on objections to investigative orders and subpoenas issued during the investigation process.
(g) Orders of default for conduct occurring before commencement of the hearing process.
(h) Decisions on motions to vacate orders entered before commencement of the hearing process.
(i) Decisions on requests for review of dismissals entered before commencement of the hearing process.
(j) Appointment of hearing officers and mediators.
(k) Decisions on requests for enforcement.
(l) Signing of Commission-initiated complaints.

Any staff member who signs a complaint on behalf of the Commission shall not participate in any decision concerning that case. Commission personnel shall recuse themselves in other situations as warranted.

Rule 220.330 Dispositive Orders

(a) Finding of Substantial Evidence

If the Commission determines that there is substantial evidence of an ordinance violation, it shall issue an order describing the next steps in the adjudication of the case and mail it to all parties. The order may also commence the hearing process pursuant to Rule 240.110.

(b) Dismissal for No Substantial Evidence or No Jurisdiction

If the Commission determines that substantial evidence of an ordinance violation is lacking or that the Commission lacks jurisdiction as to all or part of a complaint, it shall issue a dismissal order and mail it to all parties. The order shall state the basis for the Commission's determination and notify

the complainant of the opportunity to submit a request for review.

(c) Other Dismissal

If the Commission dismisses a complaint in whole or in part for other reasons, it shall issue an order stating the scope and basis of the dismissal and mail it to all parties. The order shall notify the complainant of the opportunity to submit a request for review if the dismissal was not voluntary.

(d) Order of Default

If the Commission enters an order of default pursuant to Section 215.200 for conduct occurring before commencement of the hearing process, its order shall state the scope and basis of the default, shall notify the defaulted respondent of the opportunity to submit a motion to vacate, shall describe the next steps in the adjudication of the case, and may also commence the hearing process pursuant to Rule 240.110. The Commission shall mail the order to all parties. After entry of an order of default, no further investigation or substantial evidence determination shall occur with respect to the defaulted claim.

SECTION 220.400 ACCESS TO INVESTIGATIVE FILES

Rule 220.410 Access to Files

(a) General Nondisclosure and Access by Parties

Neither the Commission nor its staff shall disclose any information obtained in the course of investigation or conciliation of a case except where otherwise required by law or intergovernmental agreement, or as ordered by a hearing officer pursuant to Rule 240.370.

However, after providing the Commission with notice of at least two business days, parties or their attorneys of record may inspect files pertaining to their own cases at any time after issuance of an order concluding the investigation process or dismissing the case in its entirety.

(1) Notwithstanding the above, the Commission shall not allow parties to inspect internal memoranda, work papers, or notes generated by Commission staff or agents in the course of an investigation, or other materials reflecting the deliberative process, mental impressions, or legal theories and recommendations of the staff or agents of the Commission.

(2) If a party files a written motion establishing good cause or if the Commission *sua sponte* determines that good cause exists, the Commission may require parties seeking access to an investigative file to comply with a protective order limiting use of the information to Commission or related state court proceedings and prohibiting other disclosure of information from the file.

(b) Public Information About Complaints

The Commission may provide a copy of the complaint itself and may acknowledge publicly the existence of a complaint including the case number, identities of the parties, type of case (e.g. national origin, employment discrimination), stage of proceedings at which it is pending, and basis for closure. The Commission may withhold any of the foregoing information for good cause including any of the grounds set forth in Rule 240.520 for sealing a hearing record. A party may request in writing that the Commission not include the party's name, telephone number, or address in any public acknowledgment of a complaint. The party must provide good cause for the request.

(c) Copying Costs

The Commission shall furnish copies of documents available for inspection at a charge not to exceed 20 cents per page plus any delivery costs. Copies shall not be released to the requester until the Commission has received payment in full. A party may seek waiver of these charges pursuant to Section 270.600.

Rule 220.420 Access by Governmental Agencies

Nothing in these rules shall preclude the Commission from sharing materials in its files with other agencies of federal, state, or local government having concurrent jurisdiction, pursuant to agreements the Commission has entered with such agencies pursuant to M.C.C. Section 2-120-510(q). All such agreements, which shall themselves be available for public inspection, shall be subject to confidentiality requirements to the extent provided by law. However, a federal agency with which the Commission has such an agreement may allow inspection and copying of materials obtained from the Commission to the extent required by the federal Freedom of Information Act (5 U.S.C. '552).

SUBPART 230 SETTLEMENT

Rule 230.100 Settlement Policy and Settlement Conference

It is the policy of the Commission to encourage the voluntary settlement of complaints, although the Commission shall not require settlement or particular settlement terms. Any authorized Commission staff member may facilitate settlement discussions and draft a settlement agreement reflecting agreed terms for the parties to sign. The Commission may also hold a settlement conference pursuant to Rule 230.110 in an attempt to secure voluntary settlement.

Rule 230.110 Settlement Conference Procedure

The Commission may schedule a settlement conference conducted by an independent mediator appointed by the Commission. Unless otherwise agreed by all participating parties, such a settlement conference shall occur no sooner than 14 days after the date of mailing the scheduling order. A scheduled settlement conference does not stay proceedings or constitute an extension of time for any filing unless so ordered. The mediator shall confer with the parties in an attempt to secure a voluntary settlement of the complaint. The mediator is authorized to determine how the conference shall proceed. A settlement conference is a scheduled proceeding at which attendance of all parties is mandatory unless otherwise ordered, and each party must have at least one person in attendance who has authority to settle. Each party may be represented by an attorney of record; however, attendance of an attorney only is not sufficient unless the attorney provides documentation of authority to settle on the party's behalf. Participation of additional persons in a settlement conference is in the discretion of the mediator. If a party fails to attend a settlement conference or attends without authority to settle, the Commission may determine what, if any, sanction is just and proper among the options set forth in Subpart 235.

Rule 230.120 Nondisclosure of Settlement Discussions

Neither a mediator nor the Commission shall disclose publicly the content of any settlement discussions concerning a Commission case. No stenographic or other formal record shall be made of settlement efforts at a settlement conference or elsewhere. Neither party may use the fact that an offer was made, accepted, or rejected at a settlement conference or during other settlement discussions as evidence during the investigation or administrative hearing concerning the merits of the claim under discussion.

Rule 230.130 Closure of a Case by Settlement

Parties may settle a claim or complaint either by approved settlement agreement or by private settlement as the parties may agree. Settlement closure procedures are as follows:

(a) Approved Settlement Agreement

If the parties agree to a settlement which they want the Commission to approve with retained jurisdiction to seek enforcement, the settlement terms must be reduced to writing, signed by the parties, and submitted to the Commission for approval. Attorneys may not sign a settlement agreement on behalf of a client unless the attorney or the client includes with the agreement a signed certification or other documentation that the attorney has authority to sign the agreement on the client's behalf. If the proposed settlement is knowingly and voluntarily entered into, unambiguously drawn, capable of being enforced, signed by persons with authority do to so, and consistent with the ordinance, the Commission shall issue an order approving the settlement and dismissing the settled claim or complaint. The Commission may require as a condition of approval that any party to a settlement submit such information as the Commission deems necessary to determine ability to comply. If the Commission does not approve the settlement, it shall order further appropriate action.

(b) Retained Jurisdiction

The Commission shall retain jurisdiction over the case to seek enforcement of an approved settlement agreement as described in Rule 230.140.

(c) No Admission of Violation

Entering into an approved settlement agreement or private settlement is not an admission by any party as to whether an ordinance violation was committed.

(d) Private Settlement

If the parties agree to a settlement which they want to remain private (i.e., not approved by the Commission), in order for the Commission to close the case or dismiss the settled claim, the complainant must sign a withdrawal of the complaint or claim as set forth in Section 210.190. The Commission shall not retain jurisdiction to seek enforcement of any private settlement agreement.

Rule 230.140 Noncompliance with Approved Settlement Agreement

If a party believes there has been a violation of an approved settlement agreement, the party may proceed independently to enforce the agreement under any applicable law. If the party wishes to invoke the Commission's retained jurisdiction, the party must file a motion for enforcement and serve it on all other parties, stating the nature of the alleged violation. All other parties shall have 14 days from filing of the motion to file and serve a response, unless the Commission issues an order allowing additional time. The Commission may conduct an investigation into the alleged violation and may issue any orders it deems necessary to exercise its retained jurisdiction. If the Commission finds substantial evidence that a party has violated the terms of an approved settlement agreement, the Commission shall promptly notify the parties in writing, may fine any noncompliant party, and may request the Department of Law to seek judicial enforcement in state court on behalf of the Commission. If the Commission concludes that substantial evidence of violation of the agreement is lacking, it shall notify the parties in writing.

SUBPART 235 SANCTIONS FOR PROCEDURAL VIOLATIONS

SECTION 235.100 SANCTION PROCEDURES

Rule 235.110 Sanctions Generally

A party that fails to comply with a procedural rule, notice, or order is subject to one or more of the sanctions described in this subpart. These sanctions are separate from any relief ordered upon finding liability after an administrative hearing. Sanctions shall be limited to what is sufficient to punish the conduct and deter

repetition of it by the party or by others.

Rule 235.120 Notice Requirements

(a) Notice of Potential Sanctions

If it appears that a party has failed to comply with a procedural requirement, the Commission or hearing officer may issue a notice of potential sanctions, which shall be mailed to all parties, specifying the sanction(s) under consideration and warning the noncompliant party that one or more of the specified sanctions will be imposed unless the party complies with specified requirements by a stated date. The notice shall allow the party no fewer than 14 days from the date of mailing to respond.

(b) When Not Required

The Commission (or hearing officer if applicable) may issue an order imposing a procedural sanction without further notice in the following circumstances, provided that the order includes notice of the opportunity to move to vacate or modify the sanction or to submit a request for review, as applicable:

(1) When the notice or order with which the party failed to comply included a warning that the sanction could be imposed for noncompliance.

(2) When the notice or order with which the party failed to comply is returned to the Commission as undeliverable and the Commission has not been notified of a new address for the party.

(c) Extension of Time to Respond or Comply

A party may move for an extension of time to respond to a notice of potential sanctions or to comply with the specified requirements to avoid sanctions, as set forth in Rule 210.320.

Rule 235.130 Procedure After Notice of Potential Sanctions

A party's response to a notice of potential sanctions must fully comply with the requirements set forth in the notice or must show good cause for not doing so. The Commission or hearing officer, as applicable, shall issue an order either imposing one or more of the potential sanctions or declining to do so.

Rule 235.140 Order Imposing Sanction

Any order imposing a sanction shall state the scope and basis of each sanction imposed. Unless made orally on the record at an administrative hearing, it shall be issued in writing and mailed to all parties. Any written order imposing a sanction shall include notice of the sanctioned party's opportunity to submit a request for review or a motion to vacate or modify, as applicable. See also Rule 220.330 as to dispositive orders.

Rule 235.150 Motion to Vacate or Modify Sanction

(a) Filing Deadline

Unless otherwise ordered, any motion to vacate or modify a sanction (other than dismissal) must be filed and served no later than 28 days from the mailing of the order imposing the sanction, or for sanctions imposed on the record at an administrative hearing, no later than 28 days from the last day of the hearing. A motion to vacate or modify does not stay other proceedings in the case and does not stay payment of any monetary sanction unless so ordered. Unless good cause is shown, failure to file a proper and timely motion to vacate or modify shall constitute waiver of all possible challenges to the sanctions. For a dismissal order, the complainant may submit a request for review pursuant to Section 250.100.

(b) Motion Content

A motion to vacate or modify a sanction must establish good cause for the noncompliance which formed the basis for the sanction and/or good cause for any requested modification. If the party had an opportunity to respond to a notice of potential sanctions or a motion seeking the sanction, the party must also establish good cause for failure to submit an adequate response at that time. The party must include with the motion all material, the absence of which formed the basis for the sanction, or must show good cause for not doing so.

(c) Response to Motion

Responses and replies to a motion to vacate or modify are permitted only if leave has been granted.

(d) Decision on Motion

The Commission shall decide motions to vacate or modify sanctions concerning conduct which occurs before commencement of the hearing process. The hearing officer shall decide such motions when they concern conduct which occurs after commencement of the hearing process. Decisions shall be by written order which includes a description of the further proceedings in the case.

SECTION 235.200 DISMISSAL FOR FAILURE TO COOPERATE

Rule 235.210 Grounds for Dismissal

A dismissal order may be entered if, without good cause, a complainant fails to cooperate as set forth in Rule 210.127 and in particular if a complainant:

(a) Fails to comply with a Commission or hearing officer order, or provides a response which is tantamount to no response.

(b) Fails to attend a scheduled proceeding.

(c) Engages in conduct which violates Rule 210.410 prohibiting frivolous pleadings or representations, or which is contemptuous or threatening to the Commission, its personnel, another party, or a witness.

Rule 235.220 Other Dismissal Grounds and Procedures

To the extent that dismissal grounds and procedures stated in other rules differ from those stated in this subpart, the more specific provision shall apply.

SECTION 235.300 DEFAULT

Rule 235.310 Grounds for Default

An order of default may be entered if, without good cause, a respondent:

(a) Fails to comply at all with a Commission or hearing officer order, or provides a response which is tantamount to no response.

(b) Fails to file and serve any written response to a complaint after being ordered to do so, or provides a response which is tantamount to no response.

(c) Knowingly destroys or fails to preserve records and other material which may be relevant to the case.

(d) Fails to attend a scheduled proceeding.

(e) Fails to comply at all with a subpoena directed to the respondent or a person controlled by the respondent.

(f) Engages in conduct which violates Rule 210.410 prohibiting frivolous pleadings or representations, or which is contemptuous or threatening to the Commission, its personnel, another party, or a witness.

Rule 235.320 Effect of Default

A defaulted respondent is deemed to have admitted the allegations of the complaint and to have waived any defenses to the allegations including defenses concerning the complaint's sufficiency. An administrative hearing after an order of default shall be held only to allow the complainant to establish a *prima facie* case and to establish the nature and amount of relief to be awarded. A complainant may present a *prima facie* case through the complaint alone or may present additional evidence. Although the defaulted respondent may not contest the sufficiency of the complaint or present any evidence in defense, the Commission itself must determine whether there was an ordinance violation and so must determine whether the complainant has established a *prima facie* case and whether it has jurisdiction. A defaulted respondent may present evidence as to relief to be awarded.

When an order of default is entered prior to commencement of the hearing process, the Commission shall issue an order commencing the process, as set forth in Rule 240.110. When an order of default is entered after commencement of the hearing process, the hearing officer shall issue an order describing further proceedings.

SECTION 235.400 MONETARY SANCTIONS

Rule 235.410 Monetary Sanctions Generally

Monetary sanctions may be imposed in addition to or in lieu of other sanctions for procedural noncompliance. In determining the appropriateness and amount of monetary sanctions, the Commission may consider, among other factors, the severity of the noncompliance as well as the party's record of cooperation in the case and in other cases before the Commission.

Rule 235.420 Fines

The Commission may impose a fine up to $1,000 for each incident of procedural noncompliance, which shall be payable no later than 28 days after issuance of the order imposing the fine if no other date is specified. For continuing noncompliance including failure to pay the initial fine or costs to a party when due, the Commission may impose additional fines of up to $100 per day until the earlier of full compliance or entry of the final order in the case. In setting the amount of the fine, the Commission may take into consideration, among other factors, the costs to the Commission due to the noncompliance including costs for a mediator, hearing officer, interpreter, or court reporter.

Rule 235.430 Costs to a Party

On the motion of a party, the Commission may order payment of part or all of the party's own costs, including attorney fees, due to procedural noncompliance. The requested costs must be supported by affidavits or other documentation. Unless otherwise ordered, such motion must be filed and served no later than 21days after issuance of the Commission's order imposing monetary or other sanctions, and the noncompliant party shall have 14 days from the filing of the motion to respond.

Rule 235.440 Monetary Sanctions on Attorneys

Monetary sanctions may be imposed on an attorney in whole or in part if the attorney's conduct contributed to the procedural noncompliance.

Rule 235.450 Recovery from Other Payments in Case

To the extent that a party has unpaid monetary sanctions, the Commission may order that any monetary relief or costs awarded to that party in the same case (other than attorney fees and associated costs) be paid first to the Commission or to any other party to satisfy the unpaid monetary sanctions, with any balance to the party receiving the award. Amounts awarded as attorney fees and associated costs may be so redirected only if the attorney receiving the award has unpaid monetary sanctions.

SUBPART 240 ADMINISTRATIVE HEARINGS

SECTION 240.100 NOTICE AND PRE-HEARING PROCEDURES

Rule 240.110 Notice of Commencement of Hearing Process

If an administrative hearing is needed, the Commission shall issue an order appointing a hearing officer. That order commences the hearing process and may be accompanied by additional orders stating the responsibilities of the parties.

Rule 240.115 Scheduling of Proceedings

In its order appointing the hearing officer, the Commission may schedule any combination of the administrative hearing itself, a pre-hearing conference, a settlement conference, or submission of pre-hearing documents such as the pre-hearing memorandum. Subsequently, all proceedings shall be scheduled or rescheduled by order of the hearing officer.

Unless the parties agree, or the Commission or hearing officer determines, that the proceedings should be expedited, the first day of the administrative hearing shall occur no fewer than 60 days from the mailing of the order appointing the hearing officer. At the discretion of the hearing officer, a hearing may be continued from day to day, or to a later date, by announcement on the hearing record or by written notice.

Rule 240.120 Pre-Hearing Conferences

(a) Conduct and Attendance

Any pre-hearing conference shall be conducted by the hearing officer. Attendance of a party's attorney only is sufficient unless attendance of the party is ordered. Unless otherwise ordered, pre-hearing conferences are not recorded or transcribed, no testimony is taken, and any oral decisions by the hearing officer do not take effect until a confirming order is issued in writing.

(b) Penalties for Failure to Attend

If a party fails to attend a pre-hearing conference, the hearing officer may determine what if any sanction is just and proper among the options set forth in Subpart 235.

Rule 240.130 Pre-Hearing Memorandum

(a) Deadline and Content

Unless otherwise ordered, each party shall file and serve a pre-hearing memorandum containing, at minimum, the information listed below. The deadline for the pre-hearing memorandum shall be set along with other

proceedings.

(1) A list of all witnesses the party intends to call at the hearing including each one's name, address, and telephone number, plus a brief description of the topics about which the witness will testify. For any expert witness, the pre-hearing memorandum must include the expert's qualifications, the expert's conclusions and opinions, and the basis for the expert's conclusions and opinions.

(2) Copies of all documents the party intends to introduce into evidence at the hearing, plus a brief description of any physical evidence other than documents. If agreed by all parties or if the hearing officer determines that prior submission of all documents is impractical or unnecessary, a summary of each document or set of related documents must be submitted which includes the author or source, date created, intended recipient, and brief summary of the content.

(3) From each complainant, an itemization of the nature and amount of damages sought.

(4) From each respondent, a statement of any affirmative defenses asserted.

(5) Any demand for the appearance and testimony at the hearing of an individual party or of a person who, at the time of the hearing, is an owner, officer, director, or employee of a business party. The pre-hearing memorandum must name each person requested to appear and state briefly what relevant information the person is expected to provide. Any objections must be served and filed no later than 14 days after the filing of the pre-hearing memorandum. The hearing officer shall rule on any objections.

(6) Parties may also submit stipulations as to material facts and uncontested issues of law, a statement of position, and a memorandum of law.

(b) Penalties if Missing or Incomplete

If without good cause a party does not disclose an exhibit or a witness in the pre-hearing memorandum, the hearing officer may exclude that exhibit or witness when offered by the non-disclosing party, or alternatively may order a continuance allow other parties time to review the exhibit or determine the nature of the witness testimony and prepare to respond. Exclusion or continuance shall be ordered only on a showing that the other party was surprised and placed at a disadvantage by the failure to disclose. In addition, the hearing officer may order the party to submit or supplement the pre-hearing memorandum and/or may impose as warranted any of the sanctions for noncompliance with an order set forth in Subpart 235.

SECTION 240.200 DISQUALIFICATION OF A HEARING OFFICER

Rule 240.210 Motions to Disqualify

A party seeking to disqualify the hearing officer from hearing a case must file and serve a written motion as soon as the party learns of the claimed reason for disqualification. The motion shall set forth in detail why the moving party believes the hearing officer's impartiality might reasonably be questioned, including but not limited to those circumstances set forth in Illinois Supreme Court Rule 63(C). All other parties shall have 14 days from the filing of the motion to respond to it. The hearing officer may allow the moving party to file a reply and shall rule on the motion by mail.

If the motion is not filed within 21 days before the administrative hearing, the moving party may be ordered

to pay monetary sanctions as set forth in Section 235.400 if the motion is found to be frivolous or if the grounds for the motion could have been discovered earlier.

Rule 240.220 Interlocutory Review of Decision Not to Disqualify

A party that objects to a decision not to disqualify may file and serve a request for review no later than 14 days from the mailing of the decision. The request for review must state with specificity the reasons supporting reversal of the decision not to disqualify. Any other party may file and serve a response within 14 days of the filing of the request for review. The Board of Commissioners shall rule by mail.

SECTION 240.300 HEARING PROCESS

Rule 240.307 Powers and Duties of Hearing Officer

(a) Authority to Control Hearing Process

The hearing officer shall have full authority to control the hearing process, including but not limited to the authority to rule on all motions and objections, to admit or exclude evidence, and to make other necessary decisions and orders except that the Commission shall issue (i) orders concerning jurisdictional issues including motions to dismiss for lack of subject matter jurisdiction and decisions after jurisdictional hearings, and (ii) motions to vacate negative inferences, orders of default, or other sanctions arising from the investigation process.

(b) Authority to Schedule

The hearing officer may by written order set or change the date of any hearing or pre-hearing conference; may set or change the deadlines for filing and service of the pre-hearing memorandum and any motions, discovery requests, responses, objections, or other submissions; and may set page limits for any submissions.

(c) Authority to Issue Protective Orders

The hearing officer may, either *sua sponte* or on motion of any party or witness, issue such protective orders as justice and fairness may require to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or oppression. Among other things, a protective order may deny, limit, condition, or regulate discovery.

(d) Restrictions on Client Representation

No person acting as a mediator or hearing officer shall be permitted to represent a party before the Commission while serving or available to serve in such capacity and until one year has elapsed from the last date of work performed for the Commission. A hearing officer or mediator may represent a party to a Commission case in matters outside the Commission, but then may not accept appointment in any Commission case involving that party.

(e) Exclusion from Investigation and Conciliation

Hearing officers shall not participate in the investigation or conciliation of cases to which they are appointed, or in decisions made at the investigation stage of such cases. They shall not have access to evidence and other documents from the Commission's investigative files in assigned cases except for documents in the official hearing record pursuant to Rule 240.510, unless offered into evidence by a party at a hearing.

Rule 240.314 Rights of Parties and Rules of Evidence

All parties to an administrative hearing may be represented by an attorney and may call, examine, and cross-examine witnesses. All parties may offer documents or other evidence for inclusion in the record of proceedings. All parties may object to evidence offered by other parties. The admissibility of all evidence

shall be subject to the ruling of the hearing officer, who shall not be bound by the strict rules of evidence applicable in courts of law or equity.

See Rule 230.120 as to admissibility of evidence concerning settlement discussions.
See Reg 221.210(b) concerning access to subpoenas in connection with an administrative hearing.

Rule 240.321 *Ex Parte* Communications

Neither a party, a party's attorney, nor any other individual on the party's behalf may communicate, directly or indirectly, with a hearing officer in connection with any issue except upon notice and opportunity for all parties to participate.

Rule 240.328 Briefing

A party may, by written motion pursuant to Rule 240.349, seek leave of the hearing officer to submit a brief or other information to help clarify or resolve an issue, or the hearing officer may *sua sponte* order such submissions.

Rule 240.335 Privileges

All information or communications that are privileged against disclosure in civil cases in the courts of the State of Illinois shall be privileged at the Commission. Privileged information or communication may be placed under seal pursuant to Rule 240.520.

Rule 240.342 Stipulations

Oral or written stipulations may be introduced into evidence and then shall become part of the hearing record.

Rule 240.349 Motions, Objections, and Orders

(a) Pre-Hearing and Post-Hearing Motions

Unless otherwise specified in these rules or ordered by the hearing officer, all pre-hearing and post-hearing motions must be in writing and must be filed with the Commission and served on all other parties and the hearing officer.

(b) Objections to Pre-Hearing and Post-Hearing Motions

Unless otherwise specified in these rules or ordered by the hearing officer, any objections to pre-hearing and post-hearing motions must be in writing and must be filed with the Commission and served on all other parties and the hearing officer no later than 14 days from the filing of the motion, except that for a motion filed within 14 days of the administrative hearing, any objections may be stated on the record at the administrative hearing.

(c) Motions and Objections at Administrative Hearing

Motions and objections with respect to the conduct of an administrative hearing may be stated orally at the hearing. The hearing officer may allow other oral motions and objections to be made at the hearing. All such motions and objections shall be included in the hearing transcript along with the hearing officer's ruling on them.

(d) Hearing Officer Orders

All pre-hearing and post-hearing orders shall be issued by the hearing officer in writing. Oral motions or objections may be heard at a pre-hearing conference if the hearing officer either (1) requires the party to file and serve the motion or objection in writing before issuing a decision or

(2) issues a written order after the pre-hearing conference which describes the motion or objection and sets forth the decision.

Rule 240.363 Waiver of Objections and Arguments

Any objection or argument not duly presented to the hearing officer shall be deemed waived unless the failure is excused for good cause by the hearing officer.

Rule 240.370 Commission Employees as Witnesses

No Commission employee shall testify on behalf of a party at a hearing with respect to the content of any files, documents, reports, memoranda, or records of the Commission or the results of any investigation conducted by the Commission except on order of the hearing officer as follows:

(a) Motion of a Party

A party may move for an order allowing testimony of a Commission employee. The motion must identify the Commission employee, the nature of the testimony, and the specific purpose the testimony will serve. The motion shall be granted only on a showing that the information to be elicited from the testimony is admissible and cannot be obtained through any other means.

(b) *Sua Sponte* Order

A hearing officer may, *sua sponte*, call a Commission employee to testify regarding relevant information which is admissible and cannot be obtained by other means. If a party objects on the grounds that the testimony would be prejudicial, the hearing officer may grant a continuance to enable the objecting party to meet the evidence.

Rule 240.398 Penalties for Failure to Appear at Hearing

If a party fails to appear at an administrative hearing, the hearing officer may determine what if any sanction is just and proper among the options set forth in Subpart 235. The hearing officer may dismiss a missing complainant's case without further notice, and may default a missing respondent without further notice and allow the complainant to present a *prima facie* case pursuant to Rule 235.320.

SECTION 240.400 DISCOVERY

Discovery shall be limited to the following except by agreement of all parties or by order of the hearing officer granting a motion for good cause shown. The hearing officer may by order alter the deadlines set forth below; however, a motion for continuance to permit discovery shall not be granted unless due diligence or other good cause is shown.

See Rule 240.130 as to required pre-hearing memorandum.

Rule 240.407 Request for Documents

Each party may serve on any opposing party a request for documents reasonably related to the party's claims or defenses. The request must be served no more than 30 days from the mailing of the order appointing the hearing officer and commencing the hearing process, and must be returnable no fewer than 21 days after the date of service. A copy must be served on the hearing officer and all other parties and filed with the Commission. Responses must be served on all other parties but need not be served on the hearing officer or filed with the Commission; however, the responding party must serve a copy of the certificate of service on the hearing officer and file it with the Commission.

Objections to document requests must be made in writing, served on all other parties and the hearing officer, and filed with the Commission no later than 14 days after the filing of the document request.

Rule 240.435 Additional Discovery

(a) Subject to Agreement or Motion

Parties may agree to additional discovery, and a party may move for leave to conduct additional discovery. The motion must be served on all parties and the hearing officer and filed with the Commission. If granting additional discovery, the hearing officer shall specify the service and response deadlines.

(b) Physical or Mental Examinations

In disability discrimination cases where the physical or mental state of the complainant is at issue for liability purposes, the hearing officer may grant a motion for physical or mental examination of the complainant based on a showing of good cause. Motions seeking such examinations for other purposes shall be granted only on a showing of extraordinary need. The motion must state the reasons for the examination; the proposed scope of the examination; the name, background, and qualifications of the person proposed to conduct the examination; and the proposed time, place, and manner of the examination. The hearing officer may decide, among other things, who shall bear the cost for the examination. The examination shall be guided by Rule 35 of the Federal Rules of Civil Procedure.

Rule 240.442 Duty to Supplement

A party is under a duty to supplement any discovery responses and pre-hearing memorandum if the party learns that the information disclosed is, in some material respect, incomplete or inaccurate and if the additional or corrective information has not otherwise been disclosed to the other party during the pre-hearing process.

Rule 240.456 Motions to Compel

If a party believes another party has failed, without good cause, to comply with its reasonable discovery requests or with other hearing procedures and orders not governed by a specific enforcement procedure, the party may move to compel compliance. The motion must be filed and served no later than 7 days after the failure to comply and must state what sanctions the moving party is seeking. Any response must be filed and served no later than 7 days after filing of the motion to compel. The response must fully comply with the requirement at issue or must show good cause for not doing so. A motion to compel compliance with a subpoena is also subject to Rule 220.240(d).

Rule 240.463 Sanctions for Failure to Comply

If a party fails to comply with discovery requests, requirements, or orders, the hearing officer may determine what if any sanction is just and proper among the options set forth in Subpart 235. The hearing officer may also (i) issue an order compelling the party to produce the requested witnesses, documents, or other items, and may (ii) refuse to allow any non-produced witnesses, documents, or other material to be used in the hearing to support the non-producing party's claim or defense, and/or (iii) draw a negative inference that the non-produced witnesses, documents, or other items do not support a claim or defense of the non-producing party.

SECTION 240.500 RECORD OF HEARING

Rule 240.510 Official Record

The official record of every administrative hearing shall consist of the following:

(a) Complaint and any amended complaints
(b) Responses to the complaint and any amended complaints
(c) Order finding substantial evidence and/or any order of default or order finding no substantial

evidence
(d) Other orders issued by the Commission
(e) Motions and responses to motions filed during the investigation and any conciliation processes
(f) Notice of the hearing and any standing order
(g) All subsequent documents filed by the parties, such as pleadings, notices, motions, correspondence between the hearing officer and the parties, briefs and memoranda, and objections
(h) Orders issued by the hearing officer
(i) The transcript and all exhibits thereto.

Except for the items listed above, no material in the Commission's investigative files, including any summary or report of the investigation, shall be part of the official record of the hearing unless introduced and admitted into evidence at the hearing. The official record shall be available for public inspection upon making appropriate arrangements with the Commission, except for any evidence placed under seal.

Rule 240.520 Sealing Record

To avoid unreasonable annoyance, expense, embarrassment, disadvantage, or oppression, the hearing officer or the Commission may, *sua sponte* or on motion of a party or witness, seal all or part of the official record to prevent disclosure of:

(a) Information specifically prohibited from disclosure by federal or state law or any rules and rules adopted pursuant thereto.

(b) Information and communication protected by privilege, when the privileged information or communication is allowed into evidence.

(c) Information which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless such disclosure is consented to in writing by the individual subjects of such information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (c) shall include but is not limited to the following:

(1) Files and personal information maintained with respect to clients, patients, residents, students, and other individuals receiving social medical, educational, vocational, financial, supervisory, or custodial care or services directly or indirectly from federal agencies or public bodies.

(2) Personnel files and personal information maintained with respect to employees, appointees, or elected officials of any public body or applicants for such positions.

(3) Files and personal information maintained with respect to any applicant, registrant, or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure, or discipline.

(4) Information required of any taxpayer in connection with the assessment or collection of any tax, unless disclosure is otherwise required by state statute.

(5) Information revealing the identity of persons who file complaints with, or provide information to, administrative, investigative, law enforcement, or penal agencies.

(6) Any other information as set forth in 5 ILCS 140/7.

Rule 240.530 Transcript

(a) Transcribing Testimony

All testimony at an administrative hearing shall be under oath and shall be recorded or transcribed by a court reporter provided by the Commission. The Commission shall order any original transcript. Copies may be ordered from the court reporter at the parties' expense. Any party seeking preparation of a transcript on an expedited basis must make arrangements directly with the court reporter and is responsible for the full cost of the transcript. The original transcript shall be made available for examination by the parties and the public as part of the official record, in the Commission's office upon reasonable notice.

(b) Correction of Transcript

A party seeking corrections to a transcript taken at an administrative hearing must file and serve a written motion. The motion must specify (a) the transcript page and line number of each proposed change; (b) the language the party seeks to remove, replace, or correct; (c) the new language the party seeks to add or substitute; and (d) the reason for each proposed change. The Commission favors agreed motions for correction of transcripts, to the extent possible. The motion must be filed and served no later than the due date of the party's objections to the hearing officer's recommended decision. Any other party may file and serve a response no later than 14 days from the date of filing. The hearing officer shall rule on the motion by mail.

SECTION 240.600 DECISIONS AFTER HEARING

Rule 240.610 Recommended Ruling on Liability and Relief

(a) Recommended Ruling

After the conclusion of the administrative hearing, or the last due date for post-hearing briefs if ordered, the hearing officer shall mail to the parties and file with the Commission a recommended ruling as to liability and the relief to be awarded if liability is found. The recommended ruling shall include the following:

(1) A summary of the contentions of each party
(2) Findings of fact based on and limited to the testimony and other evidence of record
(3) A recommended determination as to whether a preponderance of the evidence sustains each claim of the complaint, or for any defaulted claim whether the complainant has established a *prima facie* case
(4) Recommended conclusions of law including analysis of each claim and reasoning to support the recommended determinations
(5) Recommendations as to appropriate relief, including fines, and whether to award attorney fees and costs to a prevailing complainant.

(b) Objections and Replies

Each party shall have 28 days from the mailing of the recommended ruling to file and serve objections and any request for review of an interlocutory decision made during the hearing process. Objections to a recommended ruling must include (i) relevant legal analysis for any objections to legal conclusions, (ii) specific grounds for reversal or modification of any findings of fact including specific references to the record and transcript, and (iii) specific grounds for reversal or modification of any recommended relief. Requests for review of an interlocutory decision must comply with Rule 250.130. Responses and replies shall be permitted only on leave of the hearing officer.

Rule 240.620 Board of Commissioners Decision on Liability and Relief

(a) Board of Commissioners Action

The Board of Commissioners shall adopt, reject, or modify the hearing officer's recommended ruling in whole or in part, or may remand for additional proceedings concerning some or all issues presented. The Board shall adopt the recommendation of the hearing officer if it is not contrary to the evidence presented at

the administrative hearing. The Board shall also rule on any request for review of an interlocutory decision made during the hearing process.

(b) Ruling and Order

Rulings of the Board of Commissioners shall be in writing, shall be issued after the last due date for objections or replies to the hearing officer's recommended ruling, and shall be sent to all parties by mail. The Commission shall issue a written order which sets forth the findings of fact and conclusions of law. If the Board of Commissioners finds that a respondent has violated the ordinance, the written order shall include any orders for relief and the procedures to determine attorney's fees and costs if awarded.

Rule 240.630 Determination of Attorney Fees and Costs

(a) Petition and Briefing

No later than 28 days after the mailing of the Board of Commissioners ruling, or as otherwise ordered, a complainant who is awarded attorney fees may file and serve a petition for fees and/or costs, supported by argument and affidavit. Commission proceedings for consideration of attorney fees shall not be postponed in the event that one or more parties petition for a *writ of certiorari* or otherwise appeals the liability and relief ruling made by the Commission, unless a court orders the Commission to stay or cease its process. The petition must include the following statements and documentation in order for fees and costs to be awarded:

(1) A statement showing the number of hours for which compensation is sought in segments of no more than one-quarter hour, itemized according to the date performed, the work performed, and the individual who performed the work. The work performed must be in such detail that it sufficiently describes the nature and purpose of the work.

(2) A statement of the hourly rate customarily charged by each individual for whom compensation is sought, or in the case of a public or not-for-profit law office which does not charge fees or which charges fees at less than market rates, documentation of the rates prevalent in the practice of law for attorneys in the same locale with comparable experience and expertise.

(3) Documentation of costs for which reimbursement is sought.

Any other party may file and serve a written response no later than 14 days after the filing of the petition. Replies shall be permitted only on leave of the hearing officer.

(b) Recommended Ruling and Responses

After the parties' submissions or the due date of the last submission if nothing was filed, the hearing officer shall mail to the parties and file with the Commission a recommended ruling on the petition for attorney fees and costs. The recommended ruling shall set forth the hearing officer's reasoning for each recommended determination.

The parties shall each have 28 days from the mailing of the recommended ruling to file and serve objections and any request for review of an interlocutory order entered during the fee petition process. Objections must include specific grounds for modification of any finding of fact and relevant legal analysis for any objections to legal conclusions. Requests for review of an interlocutory order must comply with Rule 250.130. Replies shall be permitted only on leave of the hearing officer.

(c) Board of Commissioners Ruling and Order

The Board of Commissioners shall adopt, reject, or modify the hearing officer's recommended ruling in

whole or in part, or may remand for additional proceedings concerning some or all of the issues presented. The Board of Commissioners shall adopt the recommendation of the hearing officer if it is not contrary to the evidence. The ruling of the Board of Commissioners shall be in writing, shall be issued after the last due date for objections or replies to the hearing officer's recommended ruling, and shall be sent to all parties by mail. The Board shall also rule on any request for review of an interlocutory decision made during the fee petition process. The Commission shall issue a written order stating the findings of fact, conclusions of law, and amounts of attorney fees and costs awarded.

Rule 240.640 Supplemental Attorney Fees and Costs after Court Review

If, in reviewing a Commission final order, the reviewing court rules in favor of the complainant but does not determine the amount of attorney fees and costs to which the complainant is entitled, the complainant may file with the Commission and serve on the other parties and the hearing officer a petition for an award of supplemental attorney fees and costs incurred during the state court proceedings. The petition must be filed and served no later than 28 days after the date of the court decision. The content and procedural requirements are as set forth in Rule 240.630 for similar petitions after a liability ruling by the Board of Commissioners.

SECTION 240.700 PRE- AND POST-JUDGMENT INTEREST

Pre- and post-judgment interest on damages shall be awarded at the bank prime loan rate, as published by the Board of Governors of the Federal Reserve System in its publication entitled "Federal Reserve Statistical Release H.15 (519) Selected Interest Rates." The interest rate used shall be adjusted quarterly from the date of violation based upon the rates in the Federal Reserve Statistical Release. Interest shall be calculated on a daily basis starting from the date of the violation and shall be compounded annually.

SUBPART 250 REVIEW AND COMPLIANCE

SECTION 250.100 REVIEW

Rule 250.110 Review of Dismissals

A complainant seeking review of the full or partial dismissal of a complaint by the Commission, or a hearing officer must file and serve a request for review within 28 days of the mailing of the dismissal order. The request must be served on all other parties and the hearing officer (if any). Leave may be granted to respond or reply. If a complainant wishes to seek a motion for extension of time to file a request for review, the complainant must do so in conformance with to Rule 210.320(c).

Rule 250.120 Other Review

In addition to review of dismissals under Rule 250.110, the following opportunities for review or reconsideration are available under these rules: (a) motion to vacate or modify procedural sanctions under Rule 235.150, (b) request for review of decisions not to disqualify a hearing officer under Rule 240.220, and (c) objections to a hearing officer's recommended ruling including any request for review of interlocutory decisions made during the hearing process under Regs. 240.610(b) and Rule 240.630(b)(2). No request for review is available for dismissals or other decisions by the Board of Commissioners; see Rule 250.150 as to appeal of final orders.

Rule 250.130 Content and Grounds for Review

(a) Content

A request for review must state with specificity the reasons, evidence, or legal authority requiring reversal or modification of the decision in question. The request may not exceed 10 pages without leave from the

Commission and must clearly state that the party is seeking reconsideration or review. Any new testimonial or documentary evidence must be provided with the request.

(b) Grounds

Grounds for reversal or modification may include relevant evidence which is newly discovered and not available at the time of the original decision; new and dispositive legal precedent not available at the time of the original decision; a material misrepresentation, misstatement, or omission which was a basis for the decision; or a material error by the Commission or hearing officer. If a complaint was dismissed for failure to cooperate, the request for review must (1) establish good cause for the complainant's noncompliance, at the time required, with the requirement which was the basis for dismissal; and (2) include any missing material which was a basis for the dismissal or show good cause for not doing so.

Rule 250.140 Grant or Denial of Request for Review

For dismissal orders entered by the Commission, the Commission shall rule on any request for review. For dismissal orders entered by a hearing officer, the hearing officer shall rule on any request for review. The Board of Commissioners shall rule on any request for review submitted with objections to a hearing officer's recommended ruling. If granting a reversal or modification pursuant to a request for review, the order shall describe any further proceedings in the case.

Rule 250.150 Appeal of a Final Order

To appeal a final order of the Commission, a party must seek a *writ of certiorari* from the Chancery Division of the Circuit Court of Cook County according to applicable law. Neither the Commission nor the Board of Commissioners shall accept or consider requests for review of a final order.

SECTION 250.200 COMPLIANCE WITH FINAL ORDERS

Rule 250.210 Duty to Comply

Unless otherwise specified, parties must comply with a final order after administrative hearing no later than 28 days from the date of mailing of the later of a Board of Commissioners' final order on liability or any final order on attorney fees and costs.

Rule 250.220 Enforcement of Final Orders

If a party believes there has been a violation of a final order after administrative hearing, the party may proceed independently to enforce the final order under any applicable law. If the party wishes the Commission to seek enforcement, the party must file a motion for enforcement with the Commission and serve it on all other parties, setting forth the nature of the alleged violation. All other parties shall have 14 days from filing of the motion to file and serve a response, unless the Commission issues an order allowing additional time. The Commission may conduct an investigation into the alleged violation and may issue any orders it deems necessary to exercise its authority to seek enforcement. If the Commission finds substantial evidence that a party has violated any provision of a final order, the Commission shall promptly notify the parties in writing, may fine any noncompliant party, and may request the Department of Law to seek judicial enforcement in state court on behalf of the Commission. If the Commission concludes that substantial evidence of violation of the final order is lacking, it shall notify the parties in writing.

In addition, the Commission may *sua sponte* seek judicial enforcement of all or part of any final order.

SUBPART 260 COMMISSION RULE-MAKING

Rule 260.100 Construction of Rules and Rules

These rules shall be liberally construed to accomplish the purpose of the ordinances.

Rule 260.110 Superseding of Rules and Rules

These rules shall supersede all prior rules and rules of the Commission relating to the Chicago Human Rights Ordinance, the Chicago Fair Housing Ordinance, and the Commission on Human Relations Enabling Ordinance.

Rule 260.120 Amendment of Rules

Changes in these rules may be made by a vote of a majority of a quorum of the Board of Commissioners at a regular or special meeting, or as otherwise provided by law.

Rule 260.130 Availability of Rules

Copies of these rules shall be available to the public at the office of the Commission subject to reasonable limits as to quantity provided to any person within a given period.

Rule 260.140 Petition for Rule-Making

Any person may request that the Commission promulgate, amend, or repeal a rule or rule by submitting a written petition to the Commission. The petition shall set forth in particular the rule-making action desired and should contain the person's arguments or reasons in support thereof. The petition shall be considered by

the Commission and the petitioner shall be notified in writing as to its disposition. Any rule-making undertaken in response to the petition shall be governed by Rule 260.120.

Rule 260.150 Separability

If any provision or term of these rules, or any amendment thereto, is determined by a court or other authority of competent jurisdiction to be invalid, such determination shall not affect the remaining provisions, which shall continue in full force and effect.

Rule 260.160 Effect of Intergovernmental Agreements

Intergovernmental agreements entered pursuant to M.C.C. Section 2-120-510(q) may alter parts of these rules or add new procedures without specifically amending the rules as set forth in Rule 260.120, or both. Summaries of any intergovernmental agreements shall be available to the public on the same terms as for these rules under Rule 260.130.

SUBPART 270 GENERAL PROCEDURES

SECTION 270.100 TIMING AND DEADLINES

Rule 270.110 Computation of Time

In computing any time period under the ordinances, these rules, or any order or notice, the date when the time period begins to run shall not be included. If the last day of a time period falls on a Saturday, Sunday, or any federal, state, or municipal legal holiday, the time period shall continue until the end of the next day which is not one of these. If a time period is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. When a time period commences upon a person's receipt of service or notice, and service is by mail, receipt shall be presumed to occur on the third day after mailing unless the recipient proves that the service or notice was not actually received on that day.

Rule 270.120 Expedited Proceedings

For good cause shown, the Commission may order proceedings to be expedited pursuant to M.C.C. Section

2-120-510(i).

Rule 270.140 Commission Deadlines

All deadlines related to actions to be taken by the Board of Commissioners, the Commission, or its agents are intended to be directory, not mandatory. A failure of the Board of Commissioners, the Commission, or its agents to meet any such deadline shall not be cause to dismiss a complaint, default a respondent, or otherwise prejudice a claim or defense.

SECTION 270.200 SERVICE AND FILING

Rule 270.210 Service of Documents

(a) Manner of Service

Unless otherwise ordered, all motions, orders, notices, discovery, and other items which are required to be served may be served (i) in person, (ii) by depositing the item to be served a United States mailbox, (iii) by sending an electronic facsimile (fax) copy of the item, (iv) by sending a copy of the item by electronic mail (e-mail), or (v) by electronic filing through the Commission's website, under the procedures of Rule 270.230. Documents required to be served must be received, not sent, on the due date. Service by mail shall be deemed complete three days after the postmarked mailing date of the item, properly addressed to the person to be served, unless such person proves that the item was not actually received on that day. Facsimiles and e-mail transmissions must be received by 5:00 p.m. in order to be deemed received on a particular day.

(b) Certificate of Service

If service is required, a certificate of service or equivalent written evidence of service must be filed with the Commission and served on the hearing officer, if any, within 7 days of the service date. A certificate of service consists of a signed statement of the individual causing service, specifying the material served, the person or persons to whom service was made, and for each person the manner and date of service including the address, facsimile number, e-mail address or other location where mailed or delivered.

Rule 270.220 Filing with the Commission

(a) Form of Filings

All filings at the Commission in paper form must consist of an original and one copy unless a single copy of voluminous material is allowed by written order. The Commission is not required to provide copying services for individuals attempting to file. Photocopies of evidentiary documents are preferred unless otherwise ordered, provided that the party must retain each original document and produce it as ordered. Except for initial complaints, each document or set of documents filed must conspicuously state on the first page or a cover page the case number for which the filing is intended. If submitting a filing intended to cover multiple cases (such as a notice of change of name, status, or contact information), sufficient copies must be submitted to cover each case number or consolidated case, with the applicable case numbers clearly and conspicuously stated.

(b) Manner of Filing

Documents are deemed filed when received at the Commission, not when sent. Documents are accepted for filing at the Commission between 9:00 a.m. and 5:00 p.m. on business days unless otherwise ordered or posted conspicuously at the Commission. Documents filed by facsimile, electronic mail, or electronic filing through the Commission's website must be received by 5:00 p.m. in order to be deemed received on a particular day. A filing by facsimile or electronic mail shall not be deemed complete until an original in paper form is received. Failure to file the original within 7 days of the filing by facsimile or electronic mail shall allow the Commission, or hearing officer if applicable, to invalidate the filing.

Rule 270.230 Service and Filing by Electronic Mail

(a) Service by electronic mail (e-mail) on a party is allowed if the party consents to it by listing an e-mail address in the party's complaint or any subsequent document filed and served in the case. A party may rescind consent to e-mail service in a case by filing and serving a notice so stating.

(b) Documents sent by electronic mail (e-mail) will be accepted for filing with the Commission, or deemed sufficient service on a hearing officer or party, if the following requirements are met:

(1) The document must be sent in Portable Document Format (PDF) as a file attachment to an e-mail message.

(2) For documents filed with the Commission, the e-mail must be sent to cchrfilings@cityofchicago.org, or to such other e-mail address designated for filings as appears on the Commission's website, in a conspicuous posting in the Commission's office, or in the Commission's latest notice or order issued in the case.

(3) For documents served on a hearing officer, the e-mail must be sent to the e-mail address for the hearing officer as provided in the order appointing the hearing officer or in the Commission's or hearing officer's latest notice or order issued in the case.

(4) All other service or filing requirements must be met.

(5) The Commission may, by standing order or by written notice to the parties in a particular case, establish additional procedures for electronic service or filing, including signature or verification by electronic means.

SECTION 270.300 REPRESENTATION OF PARTIES

Rule 270.310 Attorney Appearance

If a party chooses to be represented by an attorney at any stage of proceedings before the Commission, the attorney must file with the Commission and serve on all other parties a written attorney appearance before Commission staff will discuss the case with the attorney and before the attorney will be allowed access to the case files or allowed to attend a settlement conference, administrative hearing, pre-hearing conference, or other proceeding or meeting on behalf of the represented client. An appearance filed after the commencement of the hearing process must also be served on the hearing officer. The appearance must clearly state that the attorney is representing the party or parties before the Commission.

Rule 270.320 Supervised Senior Law Students or Graduates

Any student in or graduate of a law school who satisfies all of the eligibility requirements set forth in Illinois Supreme Court Rule 711 may represent any party before the Commission to the extent permitted and under the same conditions as set forth in that Rule. When filing an attorney appearance, the student or graduate must assert Rule 711 status and the supervising attorney must file an attorney appearance at the same time, asserting supervisory status as to that student or graduate.

Rule 270.330 Attorney Licensed Out of State

An attorney who is not a member of the Illinois Bar may appear on behalf of a party on a *pro hac vice* basis for a particular case. To do so, the attorney must acknowledge out-of-state status in the attorney appearance and specify the jurisdictions where licensed to practice. The attorney shall be deemed admitted without Commission order and shall be treated the same as attorneys licensed in Illinois.

Rule 270.340 Withdrawal of Attorney Appearance

(a) Motion to Withdraw and Responses

An attorney seeking to withdraw an attorney appearance must file a written motion and serve it on the client (unless a consent to the withdrawal, signed by the client, is attached to the motion), on all other parties, and on the hearing officer if one has been appointed. The motion must set forth the reasons for seeking the withdrawal and must provide the client's last known address and telephone number. The client or another party may file and serve objections to the motion no later than 14 days from its filing. If objections are filed and served, the attorney and other parties shall have 7 days from filing to respond.

(b) Granting or Denial of Motion to Withdraw

Before commencement of the hearing process, a motion to withdraw shall be deemed granted fourteen days after filing, without Commission order, if no objection is filed. If an objection is filed, the Commission shall rule on the motion by mail. After commencement of the hearing process, an attorney shall not be allowed to withdraw without written leave of the hearing officer.

(c) Client Dismissal of Attorney

A party that no longer wishes to be represented by an attorney of record who has not withdrawn the attorney appearance must file a signed, written notice clearly stating that the party is no longer represented by the attorney and will proceed *pro se* unless and until a new attorney enters and appearance. The notice must provide the party's current address and telephone number, and it must be served on the attorney, all other parties, and the hearing officer if one has been appointed.

SECTION 270.400 INTERPRETERS AND ACCESSIBILITY

Rule 270.410 Interpreters

The Commission may provide a qualified sign language or foreign language interpreter at any time during the complaint filing process or while a case is pending. Any request for an interpreter for such purposes must be made in writing at least 7 days in advance of the date on which the interpreter is needed unless good cause is established for failure to do so. The Commission shall provide an interpreter at all public meetings of the Commission upon a written request made at least 7 days in advance of the meeting. The person who has requested the interpreter must notify the Commission as soon as possible if unable to attend the event for which the interpreter has been arranged, or if for other reasons the interpreter is no longer needed; if the person fails to do so without good cause, the Commission may require reimbursement for the costs of the interpreter.

Rule 270.420 Accessibility

All settlement conferences, fact-finding conferences, pre-hearing conferences, jurisdictional hearings, administrative hearings, and other conferences and public meetings of the Commission shall be held in facilities accessible to persons with disabilities.

SECTION 270.500 PRECEDENT

Rule 270.510 Applicable Precedent

(a) Published Decisions

All published decisions of the Commission and the Board of Commissioners shall have precedential effect

and may be cited as such. Published decisions include all rulings of the Board of Commissioners and all other written decisions by the Commission or a hearing officer which the Commission determines to have precedential value and lists in its index pursuant to Rule 270.530(a) because they (i) state a new rule of law, (ii) modify, criticize, or clarify an existing rule of law, (iii) resolve a conflict in prior decisions, (iv) contribute to an understanding or application of existing law, or (v) decide a case of substantial or continuing public interest. Determinations as to substantial evidence of an ordinance violation shall not be published or cited as precedent; however, decisions on requests for review of a no substantial evidence determination may be published if they meet the above criteria.

(b) Citation of Unpublished Decisions

A party may cite an unpublished decision of the Commission (other than a determination as to substantial evidence) as precedent but must include a copy with the brief or other submission in which it is cited. If the Commission cites an unpublished decision in support of any subsequent decision, it shall then add the decision to its next index of published decisions pursuant to Rule 270.530.

(c) Other Decisions

In deciding issues of first impression, the Commission shall look to decisions interpreting other relevant laws for guidance. A party citing such a decision must include a copy with the brief or other submission in which it is cited.

Rule 270.520 Citation Form

Decisions of the Commission shall be cited as follows: case name, case number, date of decision, e.g. *Smith v. ABC Company and Jones*, CCHR No. 01-E-000 (Jan. 3, 2001).

Rule 270.530 Publication and Copies of Decisions

(a) Index of Decisions

The Commission shall periodically list all of its published decisions in an index and shall make the index available for public inspection without cost. The Commission shall furnish copies of the index at a charge not to exceed $70 plus any delivery costs. Copies shall not be released to the requester until the Commission has received payment in full. A party may seek waiver of these charges pursuant to Section 270.600.

(b) Copies of Decisions

Commission decisions listed in the index shall be available for inspection at the Commission without cost on reasonable notice of at least two business days. Any request for inspection or copying must include the case name, case number, and date of decision. The Commission may require a written request. The Commission shall furnish copies of decisions at a charge not to exceed 20 cents per page plus any delivery costs. Copies shall not be released to the requester until the Commission has received payment in full. A party may seek waiver of these charges pursuant to Section 270.600.

(c) Limitations

Except for making available an index and copies of its published decisions, the Commission is not required to conduct legal research or to identify relevant published or unpublished decisions for any party or member of the public. No description, summary, or characterization of a decision in the index or any similar informational publication of the Commission may be cited as legal authority.

SECTION 270.600 WAIVER OF COMMISSION FEES

A party may by written motion request that the Commission waive its fees for copies of Commission documents. The motion shall be granted only on submission of an affidavit or other statement under oath

plus any additional documentation establishing by objective evidence that the requesting party is unable to pay the charges and that the copies sought are necessary for pursuit of the party's claims or defenses in a Commission case. If the party's attorney of record was obtained through a not-for-profit legal assistance provider, the attorney's certification that the provider has determined the party to be indigent is sufficient objective evidence of inability to pay.

PART 300 EMPLOYMENT DISCRIMINATION

SUBPART 305 *BONA FIDE* OCCUPATIONAL QUALIFICATIONS

Rule 305.100 *Bona Fide* Occupational Qualifications

The Commission shall find that it is not a violation of the Chicago Human Rights Ordinance for an employer or employment agency to discriminate based on criteria which constitutes a *bona fide* occupational qualification ("BFOQ") for a particular job. The person asserting the exemption shall bear the burden of establishing that it is appropriate in a particular circumstance. The Commission shall examine the effect of an employer's claim of BFOQ in excluding persons based upon their membership in a Protected Class under the HRO (see Rule 100(24) above). Generally, a BFOQ is appropriate to exclude an entire class of individuals on the basis of a standard that is necessary for safe and sufficient job performance.

Rule 305.110 Examples of BFOQs

The following examples are illustrative of when criteria or policies will not be deemed to be a BFOQ:

(a) the refusal to select an individual for a position based on assumptions as to characteristics of members of the Protected Class (see Rule 100(24) above), *e.g.*, the assumption that the turnover rate among women is higher than among men, or that women are less willing to work overtime;

(b) the refusal to select an individual for a position based on a characterization attributed generally to members of any of the Protected Classes (see Rule 100(24) above);

(c) the refusal to select an individual based on the preferences of co-workers, clients or customers or customs or traditions which discriminate against persons from a Protected Class (see Rule 100(24) above);

(d) the refusal to select an individual because the employer may have to provide separate facilities for a person of the opposite sex, unless the expense would be an undue hardship, taking into consideration, among other factors, the cost involved, the nature of the employer's operation and the employer's ability to pay;

(e) the refusal to select a woman for a position based on the belief that women with children should not work or are less than reliable employees; and

(f) the refusal to select a woman for a position based on the fear that pregnancy may in the future render her unable to work.

SUBPART 310 EMPLOYMENT AGENCIES

Rule 310.100 Prohibition of Discrimination by Employment Agencies

It shall be deemed unlawful for an employment agency to discriminate against any individual on the basis of membership in a Protected Class under the HRO (see Rule 100(24) above). For example, an employment agency which accepts a job order containing an unlawful specification based upon membership in a Protected Class shall be liable under the HRO (as shall be the employer placing the order) if the agency filing the order knows or should have known that the specification is not based upon a *bona fide* occupational qualification.

Rule 310.110 Restriction of Listings

An employment agency which restricts the availability of its services or which maintains separate files, listings or referral systems based on membership in a Protected Class is in violation of the HRO except to the extent that membership in one of these classes is a BFOQ for the job involved. (See Rule 100(24) above and Rule 305.100.)

SUBPART 315 ADVERTISING OF JOB OPPORTUNITIES

Rule 315.100 Discriminatory Advertising

It is a violation of the HRO for an employer or an employment agency to cause a newspaper, magazine or similar publication to publish "help wanted" advertisements in columns or sections segregated on the basis of membership in a Protected Class (see Rule 100(24) above) or to publish such advertisements using terminology suggesting that the positions for which applicants are sought are restricted to or appropriate for persons who are members of a Protected Class. For example, the placement of an advertisement in columns classified by the publisher(s) in headings "Male" of "Female" shall be considered as an expression of a preference, limitation or discrimination based on sex. Similarly, an advertisement expressly directed to one sex, *e.g.*, "mature man" or "attractive woman" or where the advertisement utilizes a sex-specific job title, *e.g.*, "girl Friday," shall be considered discrimination on the basis of sex. There is no violation of the HRO, however, if, for example, sex is a *bona fide* occupational qualification for the job advertised.

SUBPART 320 PRE-EMPLOYMENT INQUIRIES

Rule 320.100 Discriminatory Pre-Employment Inquiries

Any pre-employment inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification or discrimination as to membership in a Protected Class (see Rule 100(24) above) shall be unlawful unless based upon a BFOQ. An employer may not, for example, make inquiry about the parental status of an applicant for employment. However, a pre- employment inquiry may, for example, ask an applicant to designate his/her gender or may solicit the applicant's preferred designation as "Mr.," "Mrs.," or "Ms." provided that the inquiry is shown to be made in good faith for a non-discriminatory purpose.

For pre-employment inquiries concerning people with disabilities, see Rule 365.150 below.

Rule 320.110 Citizenship and Similar Inquiries

An employer or an employment agency may not require a job applicant to disclose the applicant's national origin, ancestry or membership in any of the other Protected Classes (see Rule 100(24) above), unless the employer or agency can show a *bona fide* occupational qualification. Similarly, an employer or employment agency may not require a job applicant to disclose the applicant's citizenship where a citizenship requirement would have the purpose or effect of discriminating against a person on the basis of national origin.

SUBPART 325 COMPENSATION

Rule 325.100 Discriminatory Compensation

It is a violation of the HRO for any person to discriminate among employees based upon membership in a Protected Class (see Rule 100(24) above) in negotiating or establishing wages, benefits or other compensation. An employer may not differentiate, based upon membership in a Protected Class, among employees performing the same or substantially the same work under like working conditions in fixing the employees' wages and benefits.

SUBPART 330 FRINGE BENEFITS

Rule 330.100 Definition of "Fringe Benefits"

"Fringe benefits," as used herein, includes medical, hospital, accident, and life insurance; retirement benefits; profit-sharing and bonus plans; leave time; and other terms, conditions, and privileges of employment.

Rule 330.110 Prohibition of Discrimination

It shall be a violation of the HRO for an employer to discriminate in the entitlement to or qualification for fringe benefits based upon membership in a Protected Class (see Rule 100(24) above).

Rule 330.120 Cost Not a Defense

It shall not be a defense under the HRO to a charge of discrimination in affording benefits for an employer to assert that the cost of such benefits is greater or perceived to be greater for members of a Protected Class (see Rule 100(24) above) as compared to others.

Rule 330.130 Memberships in Clubs

An employer which maintains a practice of purchasing, reimbursing or subsidizing memberships for any of its employees in private clubs must ensure that the practice is followed consistently among employees without regard to membership in a Protected Class (see Rule 100(24) above).

Rule 330.140 Pension or Retirement Plan

It shall be a violation of the HRO for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on membership in a Protected Class or which differentiates in benefits on the basis of membership in a Protected Class (see Rule 100(24) above).

SUBPART 335 POLICIES RELATING TO PREGNANCY AND CHILDBIRTH

Rule 335.100 Prohibition of Discrimination

A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy, childbirth or related medical conditions is a *prima facie* violation of the HRO. It shall also be a *prima facie* violation of the HRO for an employer to discharge an employee because she becomes pregnant.

Rule 335.110 Disabilities Caused by Pregnancy or Childbirth

Disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other covered medical conditions, under any health or disability insurance of sick leave plan available in connection with employment. Written or unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy, childbirth or related medical conditions on the same terms and conditions as they are applied to other disabilities.

Rule 335.120 Temporary Disabilities

Temporary disability resulting from pregnancy, miscarriage, abortion, childbirth and recovery therefrom must be considered by an employer offering leaves for other temporary disabilities to be a justification for a leave of absence for a female employee. The terms and conditions of pregnancy-related disability leaves of absence may not be more restrictive, and need not be more generous, than those applied to disability leaves for other purposes.

Rule 335.130 Non-Disability Leaves

Non-disability leaves of absence for the purpose of child-rearing shall be granted on the same terms and

conditions applied to other non-disability leaves of absence. An employer's policy or practices regarding leaves for child-rearing must be applied equally to male and female employees.

SUBPART 340 SEXUAL HARASSMENT

Rule 340.100 Totality of the Circumstances

In determining whether alleged conduct constitutes sexual harassment, the Commission will review the record as a whole and the totality of the circumstances, such as the nature of the alleged sexual advances, conduct or statements and the context in which the alleged incidents occurred.

Rule 340.110 Liability for Supervisors' Actions

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 forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will review the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory capacity or can be considered an agent of the employer.

Rule 340.120 Liability for Actions of Non-Managerial Personnel

With respect to the conduct of non-managerial or non-supervisory employees, and the conduct of non-employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or becomes aware of the conduct and fails to take reasonable corrective action. In reviewing cases involving the conduct of non-employees, the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

Rule 340.130 Benefits Withheld from Others

When employment opportunities or benefits are granted because of an individual's submission to sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for, but were denied these employment opportunities or benefits.

SUBPART 345 HARASSMENT (OTHER THAN SEXUAL HARASSMENT)

Rule 345.100 Prohibition of Harassment

Harassment on the basis of actual or perceived membership in a Protected Class is a violation of the HRO (see Rule 100(24) above). An employer has an affirmative duty to maintain a working environment free of harassment on the basis of membership in any class protected under the HRO.

Rule 345.110 Definition of Harassment

Slurs and other verbal or physical conduct relating to an individual's membership in a Protected Class (see Rule 100(24) above) constitutes harassment when this conduct:

(a) has the purpose or effect of creating an intimidating, hostile or offensive working environment;

(b) has the purpose or effect of unreasonably interfering with an individual's work performance; or

(c) otherwise adversely affects an individual's employment opportunities.

Rule 345.120 Liability for Supervisors' Actions

An employer is responsible for its acts and those of its agents and supervisory employees with respect to harassment on the basis of membership in a Protected Class (see Rule 100(24) above) regardless of whether the specific acts complained of were authorized or forbidden by the employer and regardless of whether the employer know or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

Rule 345.130 Liability for Actions of Non-Managerial Personnel

With respect to the conduct of non-managerial or non-supervisory employees, and the conduct of non-employees, an employer is responsible for acts of harassment in the workplace on the basis of the victim's membership in a Protected Class (other than sex) where the employer (or its agents or supervisory employees) knew or should have known of the conduct and failed to take reasonable corrective action. In reviewing cases involving the conduct of non-employees, the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have regarding the conduct of such non-employees.

SUBPART 350 DISCRIMINATION BASED ON NATIONAL ORIGIN

Rule 350.100 Citizenship Requirements

In those circumstances where citizenship requirements have the purpose or effect of discriminating against an individual on the basis of national origin, they are prohibited by the HRO. The HRO does not, however, require an employer to employ an individual who is not able to work lawfully in the United States.

Rule 350.110 Speak-English-Only Rules

(a) The Commission will presume that a rule requiring employees to speak only English at all times in the workplace, when applied at all times, violates the HRO. Such a rule is a burdensome term and condition of employment. The primary language of an individual is often an essential national origin characteristic. Prohibiting employees at all times, in the workplace, from speaking their primary language or the language they speak most comfortably, disadvantages an individual's employment opportunities on the basis of national origin. It may also create an atmosphere of inferiority, isolation and intimidation based on national origin which could result in a discriminatory working environment.

(b) An employer may require that employees speak only English at certain times where the employer can show that the rule is justified by business necessity.

(c) It is common for individuals whose primary language is not English to inadvertently change from speaking English to speaking their primary language. Therefore, if an employer believes it has a business necessity for a speak-English-only rule at certain times, the employer should inform its employees of the general circumstances when speaking only in English is required and of the consequences of violating the rule. If an employer fails to effectively notify its employees of the rule and makes an adverse employment decision against an individual based on a violation of the rule, the Commission will consider the employer's application of the rule as evidence of discrimination on the basis of national origin.

SUBPART 355 DISCRIMINATION BASED ON RELIGION

Rule 355.100 Reasonable Accommodation

(a) After an employee or prospective employee notifies the employer of his/ her need for a religious accommodation, the employer has an obligation to reasonably accommodate the individual's religious practices. A refusal to accommodate is justified only when an employer can demonstrate that an undue

hardship would, in fact, result from each available method of accommodation. An assumption that other employees with the same religious practices as the person being accommodated may also need accommodation is not evidence of undue hardship.

(b) When there is more than one method of accommodation available which would not cause undue hardship, the Commission will determine whether the accommodation offered is reasonable by examining:

(1) the alternatives for accommodation considered by the employer; and

(2) the alternatives for accommodation, if any, actually offered to the individual requiring accommodation. Some alternatives for accommodating religious practices might disadvantage the individual with respect to his/her employment opportunities, such as compensation, terms, conditions, or privileges of employment.

(c) When a test or other selection procedure is scheduled at a time when an employee or prospective employee cannot attend because of his/her religious practices, the user of the test should be aware that the principles enunciated in these guidelines apply and that it has an obligation to accommodate such employee or prospective employee unless undue hardship would result.

Rule 355.110 Alternatives For Accommodating Religious Practices

Employees and prospective employees most frequently request an accommodation because their religious practices conflict with their work schedules. The following subsections are some means of accommodating the conflict between work schedules and religious practices which the Commission believes that employers should consider as part of the obligation to accommodate and which the Commission will consider in investigating a complaint. These are not intended to be all-inclusive:

(a) Voluntary Substitutes and "Swaps"

Reasonable accommodation without undue hardship is generally possible where a voluntary substitute with substantially similar qualifications is available. One means of substitution is the voluntary swap. In a number of cases, the securing of a substitute has been left entirely up to the individual seeking the accommodation. The Commission believes that the obligation to accommodate requires that employers facilitate the securing of a voluntary substitute with substantially similar qualifications. Some means of doing this which employers should consider are: to publicize policies regarding accommodation and voluntary substitution; to promote an atmosphere in which such substitutions are favorably regarded; and to provide a central file, bulletin board or other means for matching voluntary substitutes with positions for which substitutes are needed.

(b) Flexible Scheduling

One means of providing reasonable accommodation for the religious practices of employees or prospective employees which employers should consider is the creation of a flexible work schedule for individuals requesting accommodation. The following list is an example of areas in which flexibility might be introduced: flexible arrival and departure times; floating or optional holidays; flexible work breaks; use of lunch time in exchange for early departure; staggered work hours; and permitting an employee to make up time lost due to the observance of religious practices.

Rule 355.120 Attendance and Seniority Rights

(a) Attendance

For purposes of Subpart 355, with respect to an employee's attendance, an employer may prove undue hardship to justify a refusal to accommodate an employee's or applicant's need to be absent from his/her scheduled or anticipated duty hours if the employer can demonstrate that the accommodation would require more than a *de minimis* cost and that the employer cannot afford that cost. The Commission will determine what constitutes an undue hardship by evaluating the identifiable cost in relation to the size and operating cost of the employer, the number of individuals who will in fact need a particular accommodation and other factors such as those set forth in Rule 365.140 below. Further, the Commission will presume that, generally, the payment of administrative costs necessary for providing the accommodation will not constitute more than a *de minimis* cost. Administrative costs include, for example, those costs involved in rearranging schedules and recording substitutions for payroll purposes.

(b) Seniority Rights

With respect to a requested change in position, undue hardship will also be shown where a variance from a *bona fide* seniority system is necessary in order to accommodate an employee's or applicant's religious practices when doing so would deny another employee his/her job or shift preference guaranteed by that system. Arrangements for voluntary substitutes and swaps do not constitute an undue hardship to the extent the arrangements do not violate a *bona fide* seniority system. Nothing precludes an employer and a union from including arrangements for voluntary substitutes and swaps as part of a collective bargaining agreement.

Rule 355.130 Inquiries Regarding Applicant Availability

The duty to accommodate pertains to applicants as well as current employees. Consequently, an employer may not permit an applicant's need for a religious accommodation to affect in any way its decision whether to hire the applicant unless it can demonstrate that it cannot reasonably accommodate the applicant's religious practices without undue hardship.

SUBPART 360 DISCRIMINATION BASED ON MILITARY DISCHARGE STATUS

Rule 360.100 Determination of Discharge Status

For purposes of determining whether an individual has been discriminated against on the basis of his/her military discharge status, the Commission must necessarily determine the individual's re-enlistment status in addition to the classification of discharge. The re-enlistment or "RE" code of RE-4 designates for most branches of the armed forces that the individual is barred from re-enlistment in the military. Most persons who receive "dishonorable" discharges have been assigned an RE-4 code; however, some individuals who have been assigned a RE-4 do not have "dishonorable" discharges. Thus, close scrutiny must be employed in examining both re-enlistment status as well as discharge status. Similarly, in instances where an individual has successfully obtained an upgrade in discharge status from a review board, the Commission notes that review boards are not authorized to change the re-enlistment code assigned.

Rule 360.110 Exemption for Fiduciary Responsibilities

An individual who has received an unfavorable discharge from military service may be excluded from a particular job as authorized by federal law or rule, or when a position of employment involves the exercise of fiduciary responsibilities. The term "fiduciary responsibilities" includes, but is not limited to, situations where the nature of the employment requires that the employee be entrusted with the discretionary safekeeping or disposition of currency, negotiable instruments or other valuable property, without supervision and under circumstances where great trust, confidence and good faith are necessarily attendant.

SUBPART 365 DISCRIMINATION BASED ON DISABILITY

Rule 365.100 Definitions

(a) "Qualified Individual" means a person with a disability who, with or without reasonable accommodation, can perform the essential functions of a particular job.

(b) "Essential Functions" of a particular job means tasks or activities which are not only incidental to the job in question.

Rule 365.110 Discriminatory Acts

Pursuant to Section 6-010-030 of the HRO, no person shall discriminate directly or indirectly against any qualified individual in hiring, classification, grading, discharge, discipline, compensation or other term or conditions of employment based on that individual's disability. Violations of the HRO under this rule include, but are not limited to:

(a) rejecting a qualified individual for a reason unrelated to that individual's ability to perform, including, without limitation, the preference of co-workers, clients and customers; the expense of providing fringe benefits, including insurance; and potential claims for workers compensation;

(b) rejecting a qualified individual because of that individual's inability to perform tasks or to engage in activities which are only incidental to the job in question;

(c) denying employment due to the need to make reasonable accommodations or not making reasonable accommodations for the known disability of a qualified individual, unless the employer can show that such accommodations will impose an undue hardship;

(d) limiting, segregating, or classifying a job applicant or employee because of the employee's disability in a way that adversely affects the opportunities or status of such applicant or employee;

(e) participating in a contractual or other relationship with an employment agency, labor organization, or organization providing fringe benefits or training and apprenticeship programs, which has the effect of discriminating against qualified individuals;

(f) utilizing standards, criteria or methods of administration which have the effect of discriminating on the basis of disability;

(g) using employment tests or other selection criteria that discriminate against persons with disabilities, unless the employer shows that the test or other criteria is related to the essential functions of the particular position and is necessary for the operation of the entity in question; and

(h) failing to select and administer tests concerning employment in such a way as to ensure that the test results accurately reflect the skills or aptitude of the person with a disability that the test purports to measure and not the impaired sensory, manual or speaking skills of the applicant.

Rule 365.120 Danger to Health or Safety

Rejecting a person with a disability is not a violation of the HRO if the employer can show with objective evidence that employment of the person with the disability in the particular position would be demonstrably hazardous to the health or safety of that person or others, or that such employment would result in behavior or production below acceptable standards applied to all other employees.

Rule 365.130 Reasonable Accommodation

(a) Reasonable Accommodation Requirement

Employers must reasonably accommodate the known physical or mental disabilities of a qualified individual who is an applicant or employee unless such employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business entity. Unless the employer knows that the qualified individual or applicant has a disability requiring accommodation (because it is apparent, for example), the individual or applicant must initiate a request to the employer for accommodation.

(b) Definition of Reasonable Accommodation

"Reasonable Accommodation," for purposes of Part 300, means a modification which allows a qualified individual to fulfill the essential functions of the job. Examples of reasonable accommodation include, but are not limited to: alteration of the facility or work site; job restructuring; part-time or modified work schedules; allowing additional unpaid leave to enable the employee to obtain necessary medical treatment; acquisition or modification of furniture, equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; and the provision of qualified readers or interpreters.

(c) Exceptions

Among other things, an employer may not be required to:

(1) make accommodations of a personal nature, e.g., provide eye-glasses or hearing aids;

(2) hire two full-time employees to perform one job in order to accommodate a person with a disability;

(3) provide an employee with a disability additional *paid* leave;

(4) "bump" an incumbent employee from a position to create a vacancy in order to accommodate a person with a disability; and

(5) make any accommodations which would violate the provisions of an existing collective bargaining agreement.

Rule 365.140 Undue Hardship

For the purposes of Part 300, "undue hardship" will be proven if the financial costs or administrative changes that are demonstrably attributable to the accommodation of the needs of persons with disabilities would be prohibitively expensive or would unduly affect the ordinary course of the business.

(a) There must be objective evidence of financial costs, administrative changes, or projected costs or changes which would result from accommodating the needs of persons with disabilities;

(b) Factors to be considered in determining whether an accommodation would impose an undue hardship, include, but are not limited to:

(1) the overall size of the employer (as measured by number of employees, facilities or budget);

(2) the nature and cost of the accommodation;

(3) the overall financial resources of the employer, including the resources of any parent organization;

(4) the effect on expenses and resources, or other impact of such accommodation upon the operation of the employer; and

(5) the potential benefits, including facilitating access by other employees, applicants, clients and customers with disabilities.

Rule 365.150 Pre-Employment Inquiries and Examinations

(a) An employer may inquire of applicants for employment or referral or admission to an apprenticeship or other training program whether or not an applicant has the ability to perform the essential functions of the job.

(b) An employer may require an applicant with a disability who has been found otherwise qualified to submit to pre-employment physical or psychological examinations after an offer of employment has been made if:

(1) all entering employees for such position are subjected to such an examination regardless of disability;

(2) the results are available to the applicant and used in accordance with the HRO; and

(3) information obtained regarding the medical condition or history of the applicant is maintained in a separate, confidential file and only disclosed to supervisors who may need the information to arrange reasonable accommodations and to safety or first aid personnel if the disability might require emergency treatment.

Rule 365.160 Employment Inquiries and Examinations

An employer may not require an employee to submit to a medical examination, and may not make inquiries of an employee as to whether such employee has a disability or about the nature and severity of the disability unless such examination or inquiry is shown to be directly related to the employee's ability to perform the essential functions of the particular job, or unless the inquiries are made in an effort to determine the type and extent of the reasonable accommodation necessary once the employee has notified the employer of the need for reasonable accommodations.

Rule 365.170 Standards

For purposes of Part 300, whenever physical accommodations are required to be made pursuant to the Chicago Human Rights Ordinance to fully or reasonably accommodate a person with a disability, and where the Illinois Environmental Barriers Act, 410 ILCS 25/1, is also applicable, such changes shall be made in accordance with the Illinois Accessibility Code, 71 Illinois Administrative Code, Ch. 1, subchapter b: Accessibility Standards ("IAC Standards"). With respect to all other physical accommodations required to be made pursuant to the Chicago Human Rights Ordinance to fully or reasonably accommodate a person with a disability, the Commission shall refer to the Illinois Accessibility Code and the American National Standards Institute standards for persons with disabilities, ANSI.1-1986, to determine whether the proposed accommodation is adequate and appropriate. Copies of the IAC Standards may be obtained from the Mayor's Office for People with Disabilities, City Hall, 121 North LaSalle Street. Copies of the ANSI standards may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

Notwithstanding the above, the Commission does not adopt the Illinois Environmental Barriers Act, or any other substantive law for purposes of determining whether there has been a violation of the Human Rights Ordinance. However, the Commission does look to the Illinois Accessibility Code and the American National Standards Institute standards, as set forth above, to determine whether the proposed accommodations are adequate and appropriate.

SUBPART 370 EXEMPTIONS

Where an exemption is granted in the HRO or these Rules permitting discrimination based on a person's membership in a particular Protected Class (see Rule 100(24) above), that exemption shall not be read to allow discrimination based on a person's membership in a Protected Class.

PART 400 HOUSING DISCRIMINATION

SUBPART 410 DEFINITIONS

(1) **"Appraisal"** means an estimate or opinion of the value of specified residential real estate made in a business context in connection with the sale, rental, financing or refinancing of a dwelling or in connection with any activity that otherwise affects the availability of a residential real estate-related transaction, whether the appraisal is oral or written, or transmitted formally or informally. The appraisal includes all written comments and other documents submitted as support for the estimate or opinion of value.

(2) **"Broker"** means any person, other than a real estate salesperson, who for another and for compensation:

(a) Sells, exchanges, purchases, rents or leases real estate;

(b) Offers to sell, exchange, purchase, rent or lease real estate;

(c) Negotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;

(d) Lists, offers, attempts or agrees to list real estate for sale, lease or exchange;

(e) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or improvements thereon;

(f) Collects, offers, attempts or agrees to collect rent for the use of real estate;

(g) Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting or leasing real estate;

(h) Assists or directs in procuring prospects, intended to result in the sale, exchange, lease or rental of real estate; and/or

(i) Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, leasing or rental of real estate.

(3) **"Dwelling"** means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more persons, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof. “Dwelling” includes, but is not limited to, apartments, houses, mobile home parks, trailer courts, condominiums, cooperatives, dormitories, shelters and time sharing properties.

(4) **"Real estate-related transaction"** means:

(a) the making or purchasing of loans or providing other financial assistance:

(i) for purchasing, constructing, improving, repairing or maintaining a dwelling; or

(ii) which are secured by residential real estate; or

(b) the selling, brokering or appraising of residential real property.

(5) **"Salesperson"** means any person, other than a real estate broker, who is employed by a real estate broker or is associated by written agreement with a real estate broker as an independent contractor

and participates in any activity described in the definition of "broker" set forth above.

(6) "Sexual harassment," for purposes of Part 400 of these rules, means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's housing; or (b) submission to or rejection of such conduct by an individual is used as the basis for any housing decision affecting the individual; or (c) such conduct has the purpose or effect of substantially interfering with an individual's housing rights or creating an intimidating, hostile or offensive housing environment.

(7) "Tenant" means a person entitled to occupy a dwelling to the exclusion of others by written or oral agreement, by sub-tenancy approved by the landlord, or by sufferance.

SUBPART 420 DISCRIMINATORY ACTS

Rule 420.100 Terms and Conditions

It is a violation of the Chicago Fair Housing Ordinance (FHO) to impose different prices, terms or conditions relating to the sale, rental or occupancy of a dwelling or to deny or limit services, privileges or facilities in connection with the sale, rental or occupancy of a dwelling because of the membership of the actual or prospective buyer, renter, or tenant in one of the Protected Classes (see Rule 100(24) above).

Prohibited actions under M.C.C. Section 5-8-030(A) include, but are not limited to:

(a) Using different provisions in leases or contracts of sale, or in terms and conditions of occupancy including, but not limited to those relating to rental charges, sales price, security deposits, the terms of occupancy, down payments and closing requirements, based on a person's membership in a Protected Class;

(b) Failing to perform, delaying performance of, or otherwise discriminating in the maintenance or repairs of a person's dwelling based on that person's membership in a Protected Class;

(c) Failing to process a person's offer for the sale, purchase or rental of a dwelling or failing to communicate an offer accurately based on that person's membership in a Protected Class;

(d) Limiting the availability of privileges, services or facilities associated with a dwelling because of a person's membership in a Protected Class;

(e) Using different qualification criteria or applications, or different sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analysis or sale or rental approval procedures or other requirements, because of a person's membership in a Protected Class;

(f) Denying or limiting a person's services or facilities in connection with the sale, rental or occupancy of a dwelling because that person failed or refused to provide sexual favors, see Rule 420.170 below;

(g) Discriminating against a person in connection with a real estate-related transaction because of that person's membership in a Protected Class;

(h) Discharging or taking other adverse action against an employee, agent, broker or salesperson because the individual refused to participate in a discriminatory housing practice;

(i) Employing codes or other devices to segregate or reject a person because of the person's membership in a Protected Class;

(j) Refusing to deal with certain brokers or salespersons because they, or one or more of their clients, are members of a Protected Class; and

(k) Denying or delaying the processing of a sales offer or an application made by a person or refusing to approve a person for purchase of or occupancy in a dwelling because of that person's membership in Protected Class.

Rule 420.105 Pre-Rental or Pre-Sale Inquiries

Any inquiry in connection with a prospective rental or sale which directly or indirectly expresses any limitation, specification or discrimination as to membership in a Protected Class (see Rule 100(24) above) shall be deemed a Violation of the FHO unless based upon a *bona fide* business reason.

Rule 420.110 Steering

Prohibited actions under M.C.C. Section 5-8-30(A) , which are generally referred to as "steering practices," include, but are not limited to:

(a) Discouraging or encouraging the inspection, purchase or rental of a dwelling in a community, neighborhood or development because of a person's membership in a Protected Class (see Rule 100(24) above) or because of the membership in a Protected Class of persons in the community, neighborhood or development;

(b) Discouraging the purchase or rental of a dwelling based on a person's membership in a Protected Class (see Rule 100(24) above) by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood, or development;

(c) Communicating to any person that the person would not be comfortable or compatible with existing residents of a community, neighborhood or development based on the person's or residents' membership in a Protected Class (see Rule 100(24) above); and

(d) Assigning or directing any person to a particular section of a community, neighborhood or development, or to a particular floor of a building, based on that person's or the residents' membership in a Protected Class (see Rule 100(24) above).

Rule 420.120 Circulation of Discriminatory Communications

It is a violation of the FHO to cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling which indicates any actual or intended preference, limitation or discrimination because of a person's membership in a Protected Class (see Rule 100(24) above).

(a) This prohibition shall apply to all written or oral notices, statements or advertisements by any owner, lessee, sublessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease or sublease any housing accommodation or any agent of these. Written notice, statements and advertisements include, but are not limited to, any applications, fliers, brochures, deeds, signs, banners, posters, billboards, or advertisements in newspapers or elsewhere, or other documents.

(b) Discriminatory notices, statements and advertisements include, but are not limited to, the following:

(1) Using words, phrases, photographs, illustrations, symbols or forms which would convey or suggest to a reasonable person any preference, limitation or discrimination regarding the availability of a dwelling based on membership in a Protected Class (see Rule 100(24) above);

(2) Expressing to persons such as brokers, salespersons, employees, prospective sellers or renters any preference, limitation or discrimination regarding any person because of that person's membership in a Protected Class (see Rule 100(24) above);

(3) Selecting media or locations for advertising the sale or rental of dwellings so as to intentionally

deny particular segments of the housing market information about housing opportunities because of a Protected Class (see Rule 100(24) above); and

(4) Refusing to publish advertising for the sale or rental of dwellings or requiring different charges or terms for such advertising because of a Protected Class (see Rule 100(24) above).

Rule 420.130 Refusal to Sell, Lease or Rent

It is a violation of the FHO for a person to refuse to sell, rent or lease a dwelling to a person or to refuse to negotiate with a person for the sale, rental or leasing of a dwelling because of that person's membership in a Protected Class (see Rule 100(24) above). Such prohibited actions include, but are not limited to:

(a) Failing to accept or consider a person's offer because of that person's membership in a Protected Class;

(b) Failing to sell, rent or lease a dwelling to, or failing to negotiate for the sale, rental or leasing of a dwelling with any person because of the person's membership in a Protected Class;

(c) Evicting a person because of the person's membership in a Protected Class;

(d) Indicating to a person through words or conduct that a dwelling which is actually available for inspection, sale, or rental has been sold or rented (or is otherwise unavailable) because of the person's membership in a Protected Class;

(e) Representing to a person that a legally unenforceable covenant or other deed, trust or lease provision which purports to restrict the sale or rental of dwellings because of the person's membership in a Protected Class does preclude the sale or rental of a dwelling to a person;

(f) Complying with legally unenforceable covenants, deeds, trusts, or lease provisions which preclude the sale or rental of a dwelling to any person because of the person's membership in a Protected Class;

(g) Limiting information to a person by word or conduct regarding suitably priced dwellings available for inspection, sale or rental because of the person's membership in a Protected Class; and

(h) Providing false or inaccurate information regarding the availability of a dwelling for sale or rental to any person because of the person's membership in a Protected Class.

Rule 420.140 Discrimination in Financing

(a) It is a violation of the FHO or the HRO for any person to discriminate concerning any residential real estate-related transactions because of the person's membership in a Protected Class (see Rule 100(24) above).

(b) Prohibited practices under this rule include, but are not limited to, failing or refusing to provide to any person, in connection with a residential real estate-related transaction, full information regarding the availability of loans or other financial assistance, application requirements, procedures or standards for the review and approval of loans or financial assistance, or providing information which is inaccurate or different from that provided others because of the person's membership in a Protected Class (see Rule 100(24) above).

(c) It is an Ordinance Violation for any person engaged in the making of loans or in the provision of appraisals or other financial assistance relating to the purchase, construction, improvement, repair or maintenance of dwellings or which are secured by residential real estate to impose different terms or conditions for the availability of such loans or other financial assistance or to discriminate in the provision of an appraisal because of a person's membership in a Protected Class (see Rule 100(24) above). Examples include, but are not limited to:

(1) Using different policies, practices or procedures in evaluating or determining credit-worthiness of any person in connection with the provision of any loan or other financial assistance for a dwelling

or for any loan or other financial assistance which is secured by residential real estate because of a person's membership in a Protected Class;

(2) Determining the type of loan or other financial assistance to be provided with respect to a dwelling or fixing the amount, interest rate, duration or other terms for a loan or other financial assistance for a dwelling or which is secured by residential real estate because of a person's membership in a Protected Class;

(3) Making an appraisal of residential real property in connection with the sale, rental, or financing of any dwelling which takes into consideration a person's membership in a Protected Class; and

(4) Using an appraisal of residential real property in connection with the sale, rental, or financing of any dwelling where the user knows or reasonably should know that the appraisal takes into consideration a person's membership in a Protected Class.

Rule 420.150 Blockbusting/Panic Peddling and Encouragement of Blockbusting/Panic Peddling

It is a violation of the FHO to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons who are members of a Protected Class (see Rule 100(24) above). Such prohibited actions include, but are not limited to:

(a) Engaging in conduct, (including uninvited solicitations for listings), which conveys or suggests to a reasonable person that a neighborhood is undergoing or is about to undergo a change in its composition with respect to a Protected Class in order to encourage the person to offer a dwelling for sale or rental; and

(b) Encouraging any person to sell or rent a dwelling through statements or suggestions that the entry or prospective entry of persons who are members of a Protected Class can or will result in undesirable consequences for the community, neighborhood, or development including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other services or facilities.

Rule 420.160 Refusal of Examination of Listings

It is a violation of the FHO to engage in any of the following conduct:

(a) Refusing to take or to show listings of dwellings in certain areas to a person because of that person's membership in a Protected Class (see Rule 100(24) above);

(b) Refusing to deal with certain brokers or salespersons because they or one or more of their clients are members of a Protected Class (see Rule 100(24) above);

(c) Denying or delaying the processing of an application made by a person or refusing to approve a person for sale to or occupancy in a dwelling because of that person's membership in a Protected Class (see Rule 100(24) above); and

(d) Discharging or taking other adverse action against an employee, broker or salesperson because the individual refused to participate in a discriminatory housing practice.

Rule 420.170 Sexual Harassment

(a) Section 5-08-020 of the FHO prohibits any owner, lessee, sublessee, assignee, managing agent or other person, firm or corporation having the right to sell or rent any dwelling, or any agent of any of these from discriminating against any person because of the person's sex in any of the terms and conditions of housing. This prohibition includes sexual harassment as defined in Rule 410(6) above.

(b) In addition to the conduct prohibited by (a) and Rule 410(6) above, it is a violation of the FHO for housing

opportunities or benefits to be granted because of an individual's submission to sexual advances or requests for sexual favors with respect to the individual in question as well as other persons who were qualified for but denied these housing opportunities or benefits.

Rule 420.175 Harassment (Other than Sexual Harassment)

(a) Harassment on the basis of actual or perceived membership in a Protected Class (see Rule 100(24) above) is a violation of the FHO. An owner, lessee, sublessee, assignee, managing agent or other person having the right to sell, rent or lease any dwelling, or any agent of these, has an affirmative duty to maintain a housing environment free of harassment on the basis of membership in a Protected Class.

(b) Slurs and other verbal or physical conduct relating to an individual's membership in a Protected Class (see Rule 100(24) above) constitutes harassment when the conduct: (i) has the purpose or effect of creating an intimidating, hostile or offensive housing environment; (ii) has the purpose or effect of unreasonably interfering with an individual's housing; or (iii) otherwise adversely affects an individual's housing opportunity.

Rule 420.180 Discrimination Against Persons with Disabilities

It is a violation of the FHO to engage in any of the following conduct:

(a) Using terms which would have the effect of restricting the equal opportunity of people with disabilities to fully use and enjoy the housing in question, unless such terms cannot be eliminated without undue hardship to the owner or landlord. Such discriminatory terms include, but are not limited to, requiring a person with a disability: to have a housing companion in order to lease the premises, to live on the first floor, or to use only the freight elevator.

(b) Refusing to provide, upon request, a reasonable accommodation in the rules, policies, practices, amenities or services, unless such accommodation cannot be made without undue hardship to the owner or landlord. A reasonable accommodation means, but is not limited to, changes in the rules, policies, practices or services which would allow a person with a disability an equal opportunity to fully use and enjoy a particular housing accommodation. Examples of such accommodations include, but are not limited to, allowing persons who use emotional support animals or service animals on the premises despite a "no pets" rule; and changing the common area washing machines from top-loading to front-loading to allow them to be used by a person who happens to use a wheelchair.

(c) Refusing to allow a person with a disability, upon request, to make reasonable physical modifications to an existing dwelling if the proposed modifications would allow the person to have an equal opportunity to fully use and enjoy the dwelling, unless such physical modification cannot be made without undue hardship to the owner or landlord. The following provisions apply to this prohibition:

(1) If the owner or landlord does not agree voluntarily to pay for these changes, the modifications are to be made at the expense of the person with a disability.

(2) The owner or landlord may condition permission for modifications on the person with a disability providing a reasonable description of the proposed modification in advance, and on reasonable assurances that such modifications will be completed in a professional and workmanlike manner, with any necessary building permits, and in accordance with all applicable laws.

(3) Where modifications of a dwelling may impair future use of the dwelling by another person who may or may not have a disability, the tenant may be required to return the dwelling to its original condition at the expiration of the lease term.

(4) Examples of reasonable physical modifications include, but are not limited to: installing grab bars in the bathroom, lowering closet bars, and other physical modifications which would allow a person with a disability full use and enjoyment of the dwelling.

(d) For the purposes of Part 400, "undue hardship" will be proven if the financial costs or administrative changes that are demonstrably attributable to the accommodation of the needs of persons with disabilities would be prohibitively expensive or would unduly affect the nature of the housing.

(1) There must be objective evidence of resulting financial costs, administrative changes, or projected costs or changes.

(2) Factors to be considered in determining undue hardship, include, but are not limited to:

(A) the nature and cost of the accommodation;
(B) the overall financial resources of the owner or landlord, including resources of any parent organization; and
(C) the effect on expenses and resources, or other impact of such accommodation upon the operation of the housing accommodation.

(3) The preference of other persons making use of the housing accommodation does not constitute undue hardship.

Rule 420.190 Standards

For purposes of Part 400, whenever physical accommodations are required to be made pursuant to the Chicago Human Rights Ordinance to fully or reasonably accommodate a person with a disability, and where the Illinois Environmental Barriers Act, 410 ILCS 25/1, is also applicable, such changes shall be made in accordance with the Illinois Accessibility Code, 71 Illinois Administrative Code, Ch. 1, subchapter b: Accessibility Standards ("IAC Standards"). With respect to all other physical accommodations required to be made pursuant to the Chicago Human Rights Ordinance to fully or reasonably accommodate a person with a disability, the Commission shall refer to the Illinois Accessibility Code and the American National Standards Institute standards for persons with disabilities, ANSI.1-1986, to determine whether the proposed accommodation is adequate and appropriate. Copies of the IAC Standards may be obtained from the Mayor's Office for People With Disabilities, City Hall, 121 North LaSalle Street. Copies of the ANSI Standards may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

Notwithstanding the above, the Commission does not adopt the Illinois Environmental Barriers Act, or any other substantive law, for purposes of determining whether there has been a violation of the Human Rights Ordinance. However, the Commission does look to the Illinois Accessibility Code and the American National Standards Institute standards, as set forth above, to determine whether the proposed accommodations are adequate and appropriate.

SUBPART 430 EXEMPTIONS

Where an exemption is granted in the FHO or these Rules permitting discrimination based on a person's membership in a Protected Class (see Rule 100(26) above), that exemption shall not be read to allow discrimination based on a person's membership in any of the other Protected Classes. For example, Section 5-08-050(C) of the FHO permits restricting rental of rooms to persons of one sex. This exemption shall not be read, for example, to allow restricting rental of rooms to persons of one race.

PART 500 DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SUBPART 510 DEFINITION OF A PUBLIC ACCOMMODATION

Rule 510.100 Interpretation of Ordinance

The commission shall interpret the definition of public accommodation so as to facilitate the full integration of the classes of people protected by the Chicago Human Rights Ordinance (HRO), Municipal Code of Chicago Ch. 6-010, into public life.

Rule 510.110 Examples of Public Accommodations

Examples of public accommodations include, but are not limited to the following to the extent that they are open to the general public:
(a) day care and senior citizens centers, shelters, legal services agencies, and other social service agencies;

(b) transportation facilities,;

(c) inns, motels and hotels;

(d) restaurants, bars or other establishments serving food or drink;

(e) drugstores, barber shops, laundromats, banks, gas stations, law or accounting offices, funeral parlors, or other establishments offering services;

(f) grocery stores, shopping centers, clothing stores, or other retail sales establishments;

(g) public and private schools (pre-schools, grammar schools, secondary schools, preparatory schools, vocational schools, universities);

(h) museums, libraries, galleries and other similar places of public collection or display;

(i) office buildings, parking structures and lots;

(j) parks and zoos;

(k) hospitals and clinics;

(l) theaters, concert halls, ballparks, stadiums, or other places of entertainment or exhibit;

(m) churches, synagogues or any other places of worship;

(n) gymnasiums, health clubs, bowling alleys, and other places of recreation; and

(o) a place, business establishment or agency that sells, leases, provides or offers any product, facility or service to the general public.

SUBPART 520 DISCRIMINATORY ACTS

Rule 520.100 Prohibition of Discriminatory Conduct

(a) Pursuant to Section 6-010-070 of the HRO, 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 the public accommodation to any person due to that person's membership in a Protected Class (see Rule 100(24) above). Discriminatory acts include, but are not limited to: denying admittance to persons in a Protected Class; using different terms for admittance of persons in a Protected Class; harassing persons in a Protected Class (whether or not allowed admittance); and failing to accommodate the needs of a person with a disability (see Rule 520.105 below).

(b) It is not a violation of the HRO for a medical, dental, or other health care professional, a private professional service provider such as a lawyer, accountant, or insurance agent, or a business to refer or refuse to treat or provide services or to provide services in an alternative manner to an individual in a protected class for any non-discriminatory reason if, in the normal course of the professional's operations or business, the professional would for the same reason refer or refuse to treat or provide services or would provide services in an alternative manner to an individual who is not in the protected class of the individual who seeks or requires the same or similar treatment or services. Respondents who seek to use this defense to a charge of discrimination have the burden of proving this defense.

(c) Jurisdiction limited. In regard to places of public accommodation defined in CCHR Rule 510.110(a)(7), the jurisdiction of the Commission is limited to: (1) the failure to enroll an individual; (2) the denial of access to facilities, goods, or services; and (3) severe or pervasive harassment of an individual when the covered entity fails to take corrective action to stop the severe or pervasive harassment.

Rule 520.120 Sexual Harassment

Section 6-010-070 of the HRO prohibits any person who owns, leases, rents, operates, manages or in any manner controls a public accommodation from discriminating against any person because of the person's sex. This prohibition includes sexual harassment. For purposes of Part 500 of these Rules, "sexual harassment" means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's full use of the public accommodation; or (b) submission to or rejection of such conduct by an individual is used as the basis for any decision of the public accommodation; or (c) such conduct has the purpose or effect of substantially interfering with an individual's full use of the public accommodation or which creates an intimidating, hostile or offensive housing environment.

Rule 520.130 Harassment (Other than Sexual Harassment)

(a) Harassment on the basis of actual or perceived membership in a Protected Class (see Rule 100(24) above) is a violation of the HRO. Any person who owns, leases, rents, operates, manages or in any manner controls a public accommodation has an affirmative duty to maintain a public accommodation environment free of harassment on the basis of membership in a Protected Class.

(b) Slurs and other verbal or physical conduct relating to an individual's membership in a Protected Class (see Rule 100(24) above) constitutes harassment when the conduct: (i) has the purpose or effect of creating an intimidating, hostile or offensive environment; (ii) has the purpose or effect of unreasonably interfering with an individual's full use of the public accommodation; or (iii) otherwise adversely affects an individual's full use of the public accommodation.

SUBPART 530 DISABILITY DISCRIMINATION IN GOVERNMENTAL ENTITES OPEN TO THE PUBLIC

Rule 530.100 Prohibition of Discriminatory Conduct

Pursuant to Section 6-010-070 of the HRO, no person that operates, manages or in any manner controls a governmental entity open to the general public shall withhold, deny, curtail, limit or discriminate concerning the full and equal enjoyment of the governmental entity to any person due to that person's disability. Discriminatory acts include, but are not limited to, denying admittance to persons with disabilities, using different terms for admittance of persons with disabilities, and harassing person with disabilities (whether or not allowed admittance).

Rule 530.105 Accommodation of Persons with Disabilities

No person who operates, manages or in any manner controls a governmental entity shall fail to fully accommodate a person with a disability unless such person can prove that the facilities or services cannot be made fully accessible without undue hardship. In such a case, an operator, manager or other person in control must reasonably accommodate persons with disabilities unless such person in control can prove that the person cannot reasonably accommodate the person with a disability without undue hardship.

Rule 530.110 Definition of "Full Use"

"Full use" of a governmental entity means that all parts of the premises open for public use shall be available to persons with disabilities at all times and under the same conditions as the premises are available to all other persons, and that the services offered to persons who have disabilities shall be offered under the same terms and conditions as are applied to all other persons.

Rule 530.120 Definition of "Reasonable Accommodation"

"Reasonable Accommodation," for purposes of Part 530, means, but is not limited to, accommodations (physical changes or changes in rules, policies, practices or procedures) which provide persons with a disability access to the same services, in the same manner as are provided to persons without a disability.

Rule 530.130 Definition of "Undue Hardship"

For the purposes of Part 530, "undue hardship" will be proven if the financial costs or administrative changes that are demonstrably attributable to the accommodation of the needs of persons with disabilities would be prohibitively expensive or would unduly affect the nature of the public accommodation.

(a) There must be objective evidence of financial costs, administrative changes, or projected costs or changes which would result from accommodating the needs of persons with disabilities.

(b) Factors to be considered in determining whether an accommodation would impose an undue hardship, include, but are not limited to:

(1) the nature and cost of the accommodation;

(2) the overall financial resources of the public accommodation, including the resources of any parent organization;

(3) the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the public accommodation; and

(4) the type of operation or operations of the public accommodation.

(c) The preference of other persons making use of the public accommodation does not constitute undue hardship.

SUB PART 530.140 STANDARDS

For purposes of Part 530, whenever physical accommodations are required to be made pursuant to the Chicago Human Rights Ordinance to fully or reasonably accommodate a person with a disability, such changes shall be made in accordance with the version of the Chicago Building Code, and all standards, codes, and/or requirements referenced therein, in effect at the time of the conduct in question.

SUB PART 540 EXEMPTIONS

Where an exemption is granted in the HRO or these Rules permitting discrimination based on a person's membership in a Protected Class (see Rule 100(31) above), that exemption shall not be read to allow discrimination based on a person's membership in any of the other Protected Classes. For example, Section 6-010-070(d) of the HRO permits an educational institution to restrict enrollment of students to persons of one sex. This exemption shall not be read to allow an educational institution to restrict enrollment to persons of one national origin.

SUBPART 550 OTHER LAWS

Nothing in the HRO relieves the persons subject thereto of the obligation of complying with any applicable requirement of: Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 *et seq.*; the Illinois Environmental Barriers Act (410 ILCS 25/1 *et seq.*); the Illinois Human Rights Act (775 ILCS 5/1-101 *et seq.*); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*); the Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 *et seq.*) as amended; the Americans with Disabilities Act of 1990 (42 U.S.C. '12101 *et seq.*) as amended; or any other applicable law, standard, or rule.

PART 600 DISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

SECTION 600.100 General

Rule 600.101 Purpose.

The purpose of this part is to implement the disability rights provisions of the Chicago Human Rights Ordinance, which, among other things, prohibits discrimination on the basis of disability by public accommodations and commercial facilities in the City of Chicago.

Rule 600.102 Application.

(a) *General*. This part applies to any –

(1) Public accommodation

(2) Commercial facility; or

(3) Private entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes.

(b) Public accommodations.

(1) The requirements of this part applicable to public accommodations are set forth in sections 600.200, 600.300 and 600.400 of this part.

(2) The requirements of sections 600.200 and 600.300 of this part obligate a public accommodation only with respect to the operations of a place of public accommodation.

(3) The requirements of section 600.400 of this part obligate a public accommodation only with respect to –

(A) A facility used as, or designed or constructed for use as, a place of public accommodation; or

(B) A facility used as, or designed and constructed for use as, a commercial facility.

(c) *Commercial facilities.* The requirements of this part applicable to commercial facilities are set forth in section 600.400 of this part.

(d) *Examinations and courses*. The requirements of this part applicable to private entities that offer examinations or courses as specified in paragraph (a) of this section are set forth in § 600.309.

(e) *Exemptions and exclusions*. This part does not apply to the following:

(1) any private club (except to the extent that the facilities of the private club are made available to customers or patrons of a public accommodation);

(2) the 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;

(3) the treatment, recommendations and diagnoses of licensed medical practitioners made in the course of their medical practice;

(4) the evaluations and grading decisions of teachers, professors, instructors and other education professionals; and

(5) the determinations, recommendations and evaluations of licensed legal practitioners made in the course of their legal practice.

Rule 600.103 Relationship to other laws.

(a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12181 – 12189) or Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the rules issued by Federal agencies pursuant to those titles.

(b) *Title III of the Americans with Disabilities Act.* This part does not affect the obligations of places of public accommodation, public accommodations and commercial facilities to comply with the requirements of Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12181 – 12189) and the rule implementing Title III (28 C.F.R. Part 36).

(c) *Section 504*. This part does not affect the obligations of a recipient of Federal financial assistance to comply with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and rules issued by Federal agencies implementing section 504.

(d) *Other laws*. This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws, or State or local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

Rule 600.104 Definitions.

For purposes of this part, the term–

Ordinance means the Chicago Human Rights Ordinance, 2-160-010 et seq.

Commerce means travel, trade, traffic, commercial activity, transportation, or communication.

Commercial facilities means facilities –

(1) Whose operations affect or will affect commerce;

(2) That are intended for nonresidential use by a private entity; and

(3) That are not –

(i) Facilities that are covered or expressly exempted from coverage under the Fair Housing Act of 1968, as amended (42 U.S.C. 3601 - 3631);

(ii) Aircraft; or

(iii) Railroad locomotives, railroad freight cars, railroad cabooses, commuter or intercity passenger rail cars (including coaches, dining cars, sleeping cars, lounge cars, and food service cars), any other railroad cars described in section 242 of the ADA or covered under Title II of the ADA, or railroad rights-of-way. For purposes of this definition, "rail" and "railroad" have the meaning given the term "railroad" in section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)).

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person´s drug use is current or that continuing use is a real and ongoing problem.

Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services, as provided in § 600.208.

Disability means:

(1) 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 service animal; or

(2) the history of such a characteristic; or

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

Drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) or as defined by the State of Illinois, Cook County or the City of Chicago.

Existing facility means a facility in existence on any given date, without regard to whether the facility may also be considered newly constructed or altered under this part.

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Housing at a *place of education* means housing operated by or on behalf of an elementary, secondary, undergraduate, or postgraduate school, or other place of education, including dormitories, suites, apartments, or other places of residence.

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812) or any criminal statute of the State of Illinois, Cook County or the City of Chicago. The term "illegal use of drugs" does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of State, Federal, City or County law.

Individual with a disability means a person who has a disability. The term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs, when the private entity acts on the basis of such use.

Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

Place of public accommodation means a facility or portion of a facility owned, operated, or leased to a public accommodation that is open to members of the public.

Private club means a private club or establishment exempted from coverage under title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a(e)).

Private entity means a person or entity other than a public entity.

Public accommodation means a private entity whose operations affect commerce that sells, leases, provides or offers any product, facility or service to the public and falls within at least one of the following categories. These categories are to be defined broadly and the examples stated herein are not inclusive of all types of businesses or facilities that fall within each category. For purposes of this Part, a public accommodation does not need to provide goods or services in a physical location or facility and includes entities that provide goods and services via telephone, the internet and other electronic media –

(1) Place of lodging, except for an establishment located within a facility that contains not more than five rooms for rent or hire and that actually is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this part, a facility is a "place of lodging" if it is –

(i) An inn, hotel, or motel; or

(ii) A facility that –

(A) Provides guest rooms for sleeping for stays that primarily are short-term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of the occupant’s stay; and

(B) Provides guest rooms under conditions and with amenities similar to a hotel, motel, or inn, including the following –

(1) On- or off-site management and reservations service;

(2) Rooms available on a walk-up or call-in basis;

(3) Availability of housekeeping or linen service; and

(4) Acceptance of reservations for a guest room type without guaranteeing a particular unit or room until check-in, and without a prior lease or security deposit.

(2) A restaurant, bar, or other establishment serving food or drink;

(3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(4) An auditorium, convention center, lecture hall, or other place of public gathering;

(5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(7) A terminal, depot, or other station used for specified public transportation;

(8) A museum, library, gallery, or other place of public display or collection;

(9) A park, zoo, amusement park, or other place of recreation;

(10) A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;

(11) A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

(12) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

Public entity means –

(1) Any State or local government;

(2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act). (45 U.S.C. 541)

Qualified interpreter means an interpreter, licensed in the State of Illinois, who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

Qualified reader means a person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.

Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable factors to be considered include –

(1) The nature and cost of the action needed under this part;

(2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;

(3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;

(4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and

(5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

Religious entity means a religious organization, including a place of worship.

Service animal means any dog (or miniature horse, pursuant to § 600.302 (c)(9) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler´s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting or alerting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal´s presence do not constitute work or tasks for the purposes of this definition. For the purposes of this definition emotional support animals are not considered service animals under § 600.302 (c).

Specified public transportation means transportation by bus, rail, or any other conveyance (other than by aircraft) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

State means the State of Illinois.

Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include –

(1) The nature and cost of the action needed under this Part;

(2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;

(3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;

(4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and

(5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

Video remote interpreting (VRI) service means an interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images as provided in § 600.303(f).

Wheelchair means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the Americans with Disabilities Act, 42 U.S.C. 12207(c)(2).

SECTION 600.200 General Requirements

Rule 600.201 General

(a) *Prohibition of discrimination*. No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any public accommodation by any private entity who owns, leases (or leases to), rents, operates, manages or in any way controls a public accommodation.

(b) *Landlord and tenant responsibilities*. Both the landlord who owns the building that houses a public accommodation and the tenant who owns or operates the public accommodation are subject to the requirements of this part. As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.

Rule 600.202 Activities

(a) *Denial of participation*. A public accommodation shall not subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of a public accommodation.

(b) *Participation in unequal benefit*. A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(c) *Separate benefit*. A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(d) *Individual or class of individuals*. For purposes of paragraphs (a) through (c) of this section, the term "individual or class of individuals" refers to the clients or customers of the public accommodation that enters into the contractual, licensing, or other arrangement.

Rule 600.203 Integrated Settings

(a) *General*. A public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(b) *Opportunity to participate.* Notwithstanding the existence of separate or different programs or activities provided in accordance with this subpart, a public accommodation shall not deny an individual with a disability an opportunity to participate in such programs or activities that are not separate or different.

(c) *Accommodations and services*.

(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit available under this part that such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

Rule 600.204 Administrative Methods

A public accommodation shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration that have the effect of discriminating on the basis of disability, or that perpetuate the discrimination of others who are subject to common administrative control.

Rule 600.205 Association

A public accommodation shall not exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

Rule 600.206 Retaliation or Coercion

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

(a) opposed what the individual reasonably and in good faith believes to be an incident of unlawful discrimination or sexual harassment;
(b) 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
(c) requested, attempted to request, used, or attempted to use a public accommodation as allowed in this Chapter.

Rule 600.207 Places of Public Accommodation Located in Private Residences

(a) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this part, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by this part.

(b) The portion of the residence covered under paragraph (a) of this section extends to those elements used to enter the place of public accommodation, including the homeowner´s front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by customers or clients, including restrooms.

Rule 600.208 Direct Threat

(a) This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.

(b) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current

medical knowledge or on the best available objective evidence, to ascertain: The nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Rule 600.209 Illegal Use of Drugs

(a) *General.*

(1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual´s current illegal use of drugs.

(2) A public accommodation shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who –

(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) Health and drug rehabilitation services.

(1) A public accommodation shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual´s current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) Drug testing.

(1) This part does not prohibit a public accommodation from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

(2) Nothing in this paragraph (c) shall be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs.

Rule 600.210 Smoking

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in places of public accommodation.

Rule 600.211 Maintenance of Accessible Features

(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Ordinance or this Part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs so long as the public accommodation has established and implemented a plan to maintain, test and repair the equipment in a reasonable period of time.

(c) If subsequent versions of the Chicago Building Code reduce the technical requirements or the number of required accessible elements below the number required by the 2007 version of the Code, the technical

requirements or the number of accessible elements in a facility subject to this part may be reduced in accordance with the requirements of the revised building code at the discretion of the Commissioners of the CCHR and MOPD.

Rule 600.212 Insurance

(a) This part shall not be construed to prohibit or restrict –

(1) An insurer, hospital or medical service company, health maintenance organization, or any agent, or entity that administers benefit plans, or similar organizations from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(2) A person or organization covered by this part from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(3) A person or organization covered by this part from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.

(b) Paragraphs (a) (1), (2), and (3) of this section shall not be used as a subterfuge to evade the purposes of the Ordinance or this part.

(c) A public accommodation shall not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities.

Rule 600.213 Relationship of Section 600.200 to Sections 600.300 and 600.400 of This Part

Section 600.200 of this part sets forth the general principles of nondiscrimination applicable to all entities subject to this part. Sections 600.300 and 600.400 of this part provide guidance on the application of the statute to specific situations. The specific provisions, including the limitations on those provisions, control over the general provisions in circumstances where both specific and general provisions apply.

Section 600.300 Specific Requirements

Rule 600.301 Eligibility Criteria

(a) *General.* A public accommodation shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.

(b) *Safety*. A public accommodation may impose legitimate safety requirements that are necessary for safe operation. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

(c) *Charges*. A public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids, barrier removal, alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures, that are required to provide that individual or group with the nondiscriminatory treatment required by the Ordinance or this part.

Rule 600.302 Modifications in Policies, Practices, or Procedures

(a) *General.* A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or

accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

(b) *Specialties* –

(1) *General*. A public accommodation may refer an individual with a disability to another public accommodation, if that individual is seeking, or requires, treatment or services outside of the referring public accommodation´s area of specialization, and if, in the normal course of its operations, the referring public accommodation would make a similar referral for an individual without a disability who seeks or requires the same treatment or services.

(2) *Alternative Services.* A public accommodation may treat or provide services in an alternative manner to an individual with a disability for any non-discriminatory reason if, in the normal course of operations or business, the public accommodation would for the same reason provide services in an alternative manner to an individual who does not have a disability. A public accommodation seeking to use this defense has the burden of proving that services are being provided in an alternative manner for nondiscriminatory reasons.

(3) *Illustration – medical specialties*. A health care provider may refer an individual with a disability to another provider, if that individual is seeking, or requires, treatment or services outside of the referring provider´s area of specialization, and if the referring provider would make a similar referral for an individual without a disability who seeks or requires the same treatment or services. A physician who specializes in treating only a particular condition cannot refuse to treat an individual with a disability for that condition, but is not required to treat the individual for a different condition.

(c) *Service animals*.

(1) *General*. Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

(2) *Exceptions*. A public accommodation may ask an individual with a disability to remove a service animal from the premises if:

(A) The animal is out of control and the animal´s handler, upon request of the public accommodation, does not take effective action to control it in a reasonable period of time; or

(B) The animal is not housebroken.

(3) *If an animal is properly excluded*. If a public accommodation properly excludes the animal under § 600.302(c)(2), it shall give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the animal on the premises.

(4) *Animal under handler´s control*. Service animals shall remain under the control of their respective handler. An animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the animal´s safe, effective performance of work or tasks, in which case the animal must be otherwise under the handler´s control (e.g., voice control, signals, or other effective means).

(5) *Care or supervision*. A public accommodation is not responsible for the care or supervision of a service animal.

(6) *Inquiries*. A public accommodation shall not ask about the nature or extent of a person´s disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public accommodation may ask if the animal is required because of a disability, or if it has been trained to perform tasks for the individual. A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public accommodation may not make

these inquiries about a service animal when it is readily apparent that the animal is acting in an assistive capacity for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person´s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

(7) *Access to areas of a public accommodation*. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, are allowed to go.

(8) *Surcharges*. A public accommodation shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by the individual's service animal.

(9) *Miniature horses.*

(A) A public accommodation shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

(B) *Assessment factors*. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public accommodation shall consider –

(i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;

(ii) Whether the handler has sufficient control of the miniature horse;

(iii) Whether the miniature horse is housebroken; and

(iv) Whether the miniature horse´s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

(C) *Other requirements*. Sections 600.302(c)(3) through (c)(8), which apply to service animals, shall also apply to miniature horses.

(d) *Check-out aisles*. A store with check-out aisles shall ensure that an adequate number of accessible check-out aisles are kept open during store hours, or shall otherwise modify its policies and practices, in order to ensure that an equivalent level of convenient service is provided to individuals with disabilities as is provided to others. If only one check-out aisle is accessible, and it is generally used for express service, one way of providing equivalent service is to allow persons with mobility impairments to make all their purchases at that aisle.

(e)

(1) *Reservations made by places of lodging*. A public accommodation that owns, leases (or leases to), or operates a place of lodging shall, with respect to reservations made by telephone, in-person, via the internet, and any other electronic media, or through a third party –

(A) Modify its policies, practices, or procedures to ensure that individuals with disabilities can make reservations for accessible guest rooms during the same hours and in the same manner as individuals who do not need accessible rooms;

(B) Identify and describe accessible features in the hotels and guest rooms offered through its reservations service in enough detail to reasonably permit individuals with disabilities to assess

independently whether a given hotel or guest room meets the individual's accessibility needs. This includes providing sufficient information regarding accessible features on internet websites and in brochures and pamphlets;

(C) Ensure that accessible guest rooms are held for use by individuals with disabilities until all other guest rooms of that type have been rented and the accessible room requested is the only remaining room of that type;

(D) Reserve, upon request, accessible guest rooms or specific types of guest rooms and ensure that the guest rooms requested are blocked and removed from all reservations systems; and

(E) Guarantee that the specific accessible guest room reserved through its reservations service is held for the reserving customer, regardless of whether a specific room is held in response to reservations made by others.

(2) *Exception*. The requirements in paragraphs (iii), (iv), and (v) of this section do not apply to reservations for individual guest rooms or other units not owned or substantially controlled by the entity that owns, leases, or operates the overall facility.

(f) *Ticketing*.

(1) For the purposes of this section, "accessible seating" is defined as wheelchair spaces and companion seats that comply with the applicable sections of Chapter 18-11 of the Chicago Building Code along with any other seats required to be offered for sale to the individual with a disability pursuant to paragraph (4) of this section.

(2) *Ticket sales*. A public accommodation that sells tickets for a single event or series of events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating

(A) During the same hours;

(B) During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales;

(C) Through the same methods of distribution (e.g. via telephone, internet or in-person sales);

(D) In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility or third-party ticketing services, the internet or any other method made available to other patrons; and

(E) Under the same terms and conditions as other tickets sold for the same event or series of events.

(3) *Identification of available accessible seating*. A public accommodation that sells or distributes tickets for a single event or series of events shall, upon inquiry –

(A) Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility. This includes but is not limited to providing this information at in-person ticket sales locations, by phone and on the internet;

(B) Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets the individual's accessibility needs; and

(C) Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating and information relevant thereto with the same text or visual representations as other seats, if such materials are provided to the general public.

(4) *Ticket prices*. The price of tickets for accessible seating for a single event or series of events shall not be set higher than the price for other tickets in the same seating section for the same event or series of events. Tickets for accessible seating must be made available at all price levels for every event or series of events. If tickets for accessible seating at a particular price level cannot be provided because barrier removal in an existing facility is not readily achievable, then the that number of accessible seats (determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly area) shall be offered, at that price level, in the most comparable seating area of higher price and value. In those existing facilities where no higher priced seating is accessible, those seats shall be offered in lower-priced areas at the same prices paid for other seating in those areas.

(5) *Purchasing multiple tickets.*

(A) *General*. For each ticket for a wheelchair space purchased by an individual with a disability or a third-party purchasing such a ticket at the individual's request, a public accommodation shall make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, provided that at the time of purchase there are three such seats available. A public accommodation is not required to provide more than three contiguous seats for each wheelchair space. Such seats may include wheelchair spaces.

(B) *Insufficient additional contiguous seats available*. If patrons are allowed to purchase at least four tickets, and there are fewer than three such additional contiguous seat tickets available for purchase, a public accommodation shall offer the next highest number of such seat tickets available for purchase and shall make up the difference by offering tickets for sale for seats that are as close as possible to the accessible seats. Public accommodations shall take steps to make seats available in adjacent rows so that groups that include people with disabilities may sit near each other.

(C) *Sales limited to fewer than four tickets*. If a public accommodation limits sales of tickets to fewer than four seats per patron, then the public accommodation is only obligated to offer the same number of seats to patrons with disabilities, including the ticket for the wheelchair space, as it would offer to patrons without disabilities. If a wheelchair user will be accompanied by an attendant, an additional ticket must be made available for purchase.

(D) *Maximum number of tickets patrons may purchase exceeds four*. If patrons are allowed to purchase more than four tickets, a public accommodation shall allow patrons with disabilities to purchase up to the same number of tickets, including the ticket for the wheelchair space.

(E) *Group sales*. If a group includes one or more individuals who need to use accessible seating because of a mobility disability or because their disability requires the use of the accessible features that are provided in accessible seating, the group shall be placed in a seating area with accessible seating so that, if possible, the group can sit together. If it is necessary to divide the group, it should be divided so that the individuals in the group who use wheelchairs are not isolated from their group.

(6) *Hold and release of tickets for accessible seating*.

(A) *Tickets for accessible seating may be released for sale in certain limited circumstances*. A public accommodation may release unsold tickets for accessible seating for sale to individuals without disabilities for their own use for a single event or series of events only under the following circumstances –

(i) When all non-accessible tickets (excluding luxury boxes, club boxes, or suites) have been sold and the public accommodation has responded to all inquiries and requests for accessible seating;

(ii) When all non-accessible tickets in a designated price category have been sold, the tickets for accessible seating are being released within the same designated price category and the public accommodation has responded to all inquiries and requests for accessible seating.

(B) *No requirement to release accessible tickets*. Nothing in this paragraph requires a facility to release tickets for accessible seating to individuals without disabilities for their own use.

(C) *Release of series-of-events tickets on a series-of-events basis*.

(i) *Series-of-events tickets sell-out when no ownership rights are attached*. When series-of-events tickets are sold out and a public accommodation releases and sells accessible seating to individuals without disabilities for a series of events, the public accommodation shall establish a process that prevents the automatic reassignment of the accessible seating to such ticket holders for future seasons, future years, or future series, so that individuals with disabilities who require the features of accessible seating and who become newly eligible to purchase tickets when these series-of-events tickets are available for purchase have an opportunity to do so. When tickets for accessible seating are sold to individuals with disabilities they shall only be made available for one series, season or tournament, whichever is shortest and shall not be renewable.

(ii) *Series-of-events tickets when ownership rights are attached – Currently owned*. When currently owned series-of-events tickets with an ownership right in accessible seating areas are forfeited or otherwise returned to a public accommodation, the public accommodation shall modify its policies, practices, or procedures to afford individuals with mobility disabilities or individuals with disabilities that require the features of accessible seating the first opportunity to purchase such tickets in accessible seating areas. Accessible seating cannot be sold to individuals without disabilities in a manner that conveys "ownership" through the use of "licenses" or other purchase agreements.

(iii) *Series*-of-events tickets when ownership rights are attached – Future. Series of events tickets for accessible seating with ownership rights attached may only be sold to individuals with disabilities and their companions. If such tickets are sold to individuals who do not have disabilities in accordance with the conditions set forth above, ownership rights for those tickets are not to be part of the sale.

(7) *Ticket transfer*. Individuals with disabilities who hold tickets for accessible seating shall be permitted to transfer tickets to third parties under the same terms and conditions and to the same extent as other spectators holding the same type of tickets, whether they are for a single event or series of events.

(8) *Secondary ticket market*.

(A) A public accommodation shall modify its policies, practices, or procedures to ensure that an individual with a disability may use a ticket acquired in the secondary ticket market under the same terms and conditions as other individuals who hold a ticket acquired in the secondary ticket market for the same event or series of events.

(B) A public accommodation that operates as a secondary ticket vendor must make accessible tickets available to people with disabilities who use wheelchairs or would benefit for accessible seating and must take steps to ensure that those tickets are sold to individuals with disabilities.

(C) If an individual with a disability acquires a ticket or series of tickets to an inaccessible seat through the secondary market, a public accommodation shall make reasonable modifications to its policies, practices, or procedures to allow the individual to exchange his ticket for one to an accessible seat in a comparable location if accessible seating is vacant at the time the individual presents the ticket to the public accommodation.

(9) *Prevention of fraud in purchase of tickets for accessible seating*. A public accommodation may not require proof of disability, including, for example, a doctor´s note, before selling tickets for accessible seating.

(A) *Single-event tickets*. For the sale of single-event tickets, it is permissible to inquire whether the individual purchasing the tickets for accessible seating has a mobility disability or a disability that requires the use of the accessible features that are provided in accessible seating, or is purchasing the tickets for an individual who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.

(B) *Investigation of fraud*. A public accommodation may investigate the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

Rule 600.303 Auxiliary Aids and Services

(a) *General*. A public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense.

(b) *Examples*. The term "auxiliary aids and services" includes but is not limited to –

(1) Qualified interpreters licensed in the State of Illinois on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

(2) Qualified readers; taped texts; audio recordings; Brailed materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

(c) Effective communication.

(1) A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. This includes an obligation to provide effective communication to companions who are with individuals with disabilities.

(A) For purposes of this section, "companion" means a family member, friend, or associate of an individual seeking access to, or participating in, the goods, services, facilities, privileges, advantages, or accommodations of a public accommodation, who, along with such individual, is an appropriate person with whom the public accommodation should communicate.

(B) The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. A public accommodation should consult with individuals with disabilities whenever possible to determine what type of auxiliary aid is needed to ensure effective communication, but the ultimate decision as to what measures to take rests with the public accommodation, provided that the method chosen results in effective communication. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

(2) A public accommodation shall not require an individual with a disability to bring another individual to interpret for him or her.

(3) A public accommodation shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication, except –

(A) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or

(B) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

(4) A public accommodation shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

(5) A public accommodation shall ensure that sign language interpreters are available in emergencies to the extent that it is not an undue burden. This includes but is not limited to entering service agreements with sign language interpreters, acquiring portable devices that allow for use of VRI, and acquiring other technology that will allow communication with people who are deaf or hard of hearing during an emergency.

(d) Telecommunications.

(1) When a public accommodation uses an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including text telephones (TTYs) and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems.

(2) A public accommodation that offers a customer, client, patient, or participant the opportunity to make outgoing telephone calls using the public accommodation´s equipment on more than an incidental convenience basis shall make available public telephones, TTYs, or other telecommunications products and systems for use by an individual who is deaf or hard of hearing, or has a speech impairment.

(3) A public accommodation may use relay services in place of direct telephone communication for receiving or making telephone calls incident to its operations.

(4) A public accommodation shall respond to telephone calls from a telecommunications relay service established under Title IV of the Americans with Disabilities Act in the same manner that it responds to other telephone calls.

(5) This part does not require a public accommodation to use a TTY for receiving or making telephone calls incident to its operations.

(e) *Closed caption decoders*. Places of lodging that provide televisions in five or more guest rooms and hospitals that provide televisions for patient use shall provide, upon request, a means for decoding captions for use by an individual with impaired hearing.

(f) *Video remote interpreting (VRI) services*. A public accommodation that chooses to provide qualified interpreters via VRI service shall ensure that it provides –

(1) Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;

(2) A sharply delineated image that is large enough to display the interpreter´s face, arms, hands, and fingers, and the participating individual´s face, arms, hands, and fingers, regardless of the individual's body position;

(3) A clear, audible transmission of voices; and

(4) Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

(5) In certain situations use of VRI will not constitute sufficient provision of an auxiliary aid or service. Whether use of VRI will provide effective communication must be determined on a case-by-case basis examining the needs of the individual with a disability and the type of communication needed to utilize the public accommodation in question.

(g) *Alternatives*. If provision of a particular auxiliary aid or service by a public accommodation would result in a fundamental alteration in the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or in an undue burden, i.e., significant difficulty or expense, the public accommodation shall provide an alternative auxiliary aid or service, if one exists, that would not result in an alteration or such burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the goods, services, facilities, privileges, advantages, or accommodations offered by the public accommodation.

Rule 600.304 Removal of Barriers

(a) *General.* A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable.

(b) *Examples*. Examples of steps to remove barriers include, but are not limited to, the following actions –

(1) Installing ramps;

(2) Making curb cuts in sidewalks and entrances;

(3) Repositioning shelves;

(4) Rearranging tables, chairs, vending machines, display racks, and other furniture;

(5) Repositioning telephones;

(6) Adding raised markings on elevator control buttons;

(7) Installing flashing alarm lights;

(8) Widening doors;

(9) Installing offset hinges to widen doorways;

(10) Eliminating a turnstile or providing an alternative accessible path;

(11) Installing accessible door hardware;

(12) Installing grab bars in toilet stalls;

(13) Rearranging toilet partitions to increase maneuvering space;

(14) Insulating lavatory pipes under sinks to prevent burns;

(15) Installing a raised toilet seat;

(16) Installing a full-length bathroom mirror;

(17) Repositioning the paper towel dispenser in a bathroom;

(18) Creating designated accessible parking spaces;

(19) Installing an accessible paper cup dispenser at an existing inaccessible water fountain;

(20) Removing high pile, low density carpeting; or

(21) Installing vehicle hand controls.

(c) *Priorities*. Where readily achievable, a public accommodation must take measures to comply with the barrier removal requirements of this section in accordance with the following order of priorities.

(1) First, a public accommodation should take measures to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include but are not limited to installing an entrance ramp, widening entrances, and providing accessible parking spaces.

(2) Second, a public accommodation should take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include but are not limited to adjusting the layout of display racks, rearranging tables, providing Brailled and raised character signage, widening doors, providing visual alarms, and installing ramps, elevators and platform lifts.

(3) Third, a public accommodation should take measures to provide access to restroom facilities. These measures include but are not limited to removal of obstructing furniture or vending machines, widening of doors, installation of ramps, providing accessible signage, widening of toilet stalls, installation of grab bars, installation of accessible toilets, lowering of mirrors, lowering of lavatories and lavatory counters and insulation of lavatory pipes.

(4) Fourth, a public accommodation must take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

(5) Fifth, a public accommodation must provide notice that a facility or elements of a facility are not accessible to people with disabilities and how people with disabilities can access such a facility or elements thereof. Notice as required by this provision includes but is not limited to the following forms.

(i) Signs posted at entrances to the facility;

(ii) Information provided on websites, social media pages and other means of electronic communication;

(iii) Information provided on telephone answering machines, or by staff answering telephone calls; and

(iv) Advertisements. Public Accommodations must include these notices in every type of format they utilize. If a public accommodation uses social media, email blasts, and newspaper advertisements to advertise, information must be provided in each of those settings about how individuals with disabilities can access services, goods, or facilities of the public accommodation.

(d) Relationship to alterations requirements of subpart D of this part.

(1) Except as provided in paragraph (d)(3) of this section, measures taken to comply with the barrier removal requirements of this section shall comply with the applicable requirements for alterations in § 600.402 and §§ 600.404 through 600.406 of this part for the element being altered. The path of travel requirements of § 600.403 shall not apply to measures taken solely to comply with the barrier removal requirements of this section.

(2) *Safe harbor*. Reserved for use when changes are made to the accessibility provisions of the Chicago Building Code.

(3) If, as a result of compliance with the alterations requirements specified in paragraph (d)(1) and (d)(2) of this section, the measures required to remove a barrier would not be readily achievable, a public accommodation may take other readily achievable measures to remove the barrier that do not fully comply with the specified requirements. Such measures include, for example, providing a ramp with a steeper slope or widening a doorway to a narrower width than that mandated by the alterations requirements. No measure shall be taken, however, that poses a significant risk to the health or safety of individuals with disabilities or others.

(e) *Portable ramps*. Portable ramps should be used to comply with this section only when installation of a permanent ramp is not readily achievable. In order to avoid any significant risk to the health or safety of individuals with disabilities or others who use them, portable ramps must comply, to the maximum extent feasible, with all accessible ramp requirements set forth in the Chapter 18-11 of the Chicago Building Code. Under no circumstances may a portable ramp be used that does not have adequate safety features, including but not limited to nonslip surfaces, compliant handrails, edge protection and anchoring.

(f) *Selling or serving space.* The rearrangement of temporary or movable structures, such as furniture, equipment, and display racks is not readily achievable to the extent that it results in a significant loss of selling or serving space. In those instances where rearrangement of temporary or movable structures would result in a significant loss of selling or serving space, the public accommodation must provide assistance to customers with disabilities who cannot gain access to goods or services. Examples of the types of assistance required include but are not limited to retrieving goods for patrons with disabilities who cannot get to them because there is no accessible route, providing service, sales assistance, demonstrations and information in an accessible location and allowing customers to pay for goods and services in an accessible location inside the facility or outside the facility where there is no accessible route to the sales counter.

(g) *Limitation on barrier removal obligations*.

(1) The requirements for barrier removal under § 600.304 shall not be interpreted to exceed the standards for alterations in Section 600.400 of this part.

(2) To the extent that relevant standards for alterations are not provided in Section 600.400 of this part, then the requirements of § 600.304 shall not be interpreted to exceed the standards for new construction in Section 600.400 of this part.

(3) This section does not apply to rolling stock and other conveyances to the extent that § 600.310 applies to rolling stock and other conveyances.

(4) This requirement does not apply to guest rooms in existing facilities that are places of lodging where the guest rooms are not owned by the entity that owns, leases, or operates the overall facility and the physical features of the guest room interiors are controlled by their individual owners.

Rule 600.305 Alternatives to Barrier Removal

(a) *General*. Where a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodation shall not fail to make its goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those methods are readily achievable.

(b) *Examples*. Examples of alternatives to barrier removal include, but are not limited to, the following actions –

(1) Providing curb service or home delivery;

(2) Retrieving merchandise from inaccessible shelves or racks;

(3) Relocating activities to accessible locations;

(c) *Multiscreen cinemas – physical access*. If it is not readily achievable to remove barriers to provide access by persons with mobility impairments to all of the theaters of a multiscreen cinema, the cinema shall make as many of the theaters as is readily achievable accessible and establish a film rotation schedule that provides reasonable access for individuals who use wheelchairs to all films. The rotation shall ensure that each film is available for viewing in one of the accessible theaters on each day and each evening of the week, during the period of time the film is available at that cinema. Reasonable notice shall be provided to the public as to the location and time of accessible showings. This includes but is not limited to providing this information in listings and advertising placed in newspapers, the internet, radio and television.

(d) *Multiscreen cinemas – communications access.* If it is not readily achievable to equip each theater of an existing multiscreen cinema with assistive listening systems, equipment that allows people who are deaf or hard of hearing to view movies with captioning, and systems that provide people who are blind or have visual impairments with audio description, the cinema shall equip as many of the theaters with this equipment as is readily achievable and establish a film rotation schedule that provides people with disabilities access to each type of communication access for all films. The rotation shall ensure that each film is available for viewing using each type of equipment on each day and each evening of the week, during the period of time the film is available at that cinema. Reasonable notice shall be provided to the public as to the location and time of accessible showings. This includes but is not limited to providing this information in listings and advertising placed in newspapers, the internet, radio and television. Nothing in this provision prohibits a movie theater from showing a movie that is not available in a format that supports any of these methods of communication access.

Rule 600.306 Personal Devices and Services

This part does not require a public accommodation to provide its customers, clients, or participants with personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; or services of a personal nature including assistance in eating, toileting, or dressing.

Rule 600.307 Accessible or Special Goods

(a) This part does not require a public accommodation to alter its inventory to include accessible or special goods that are designed for, or facilitate use by, individuals with disabilities.

(b) A public accommodation shall order accessible or special goods at the request of an individual with disabilities, if, in the normal course of its operation, it makes special orders on request for unstocked goods, and if the accessible or special goods can be obtained from a supplier with whom the public accommodation customarily does business.

(c) Examples of accessible or special goods include items such as Brailled versions of books, books on audio cassettes, closed-captioned video tapes, special sizes or lines of clothing, and special foods to meet particular dietary needs.

Rule 600.308 Seating in Existing Assembly Areas

(a) *An existing public accommodation* shall provide wheelchair seating locations in accordance with the new construction requirements of this rule and the Chicago Building Code to the extent it is readily achievable to do so.

(b) Specialty Seating. An existing public accommodation shall ensure that wheelchair spaces and companion seats are provided in each specialty seating area that provides spectators with distinct services or amenities that generally are not available to other spectators. If it is not readily achievable for a public accommodation to place wheelchair spaces and companion seats in each such specialty seating area, it shall provide those services or amenities to individuals with disabilities and their companions at other designated accessible locations at no additional cost. The number of wheelchair spaces and companion seats provided in specialty seating areas shall be included in, rather than in addition to, wheelchair space requirements set forth in the Chicago Building Code.

Rule 600.309 Examinations and Courses

(a) *General.* Any private entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

(b) *Examinations*.

(1) Any private entity offering an examination covered by this section must assure that

(A) The examination is selected and administered so as to best ensure that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect the individual´s aptitude or achievement level or whatever other factor the examination purports to measure, rather than reflecting the individual´s impaired sensory, manual, or speaking skills (except where those skills are the factors that the examination purports to measure);

(B) An examination that is designed for individuals with impaired sensory, manual, or speaking skills is offered at equally convenient locations, as often, and in as timely a manner as are other examinations; and

(C) The examination is administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements are made.

(D) Any request for documentation, if such documentation is required, is reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.

(E) When considering requests for modifications, accommodations, or auxiliary aids or services, the entity gives considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received in similar testing situations, as well as such modifications, accommodations, or related aids and services provided in response to an Individualized Education Program (IEP) provided under the Individuals with Disabilities Education Act or a plan describing services provided pursuant to section 504 of the Rehabilitation Act of 1973, as amended (often referred as a Section 504 Plan).

(F) The entity responds in a timely manner to requests for modifications, accommodations, or aids to ensure equal opportunity for individuals with disabilities.

(2) Required modifications to an examination may include changes in the length of time permitted for completion of the examination and adaptation of the manner in which the examination is given.

(3) A private entity offering an examination covered by this section shall provide appropriate auxiliary aids for persons with impaired sensory, manual, or speaking skills, unless that private entity can demonstrate that offering a particular auxiliary aid would fundamentally alter the measurement of the skills or knowledge the examination is intended to test or would result in an undue burden. Auxiliary aids and services required by this section may include taped examinations, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, Brailled or large print examinations and answer sheets or qualified readers for individuals with visual impairments or learning disabilities, transcribers for individuals with manual impairments, and other similar services and actions.

(4) Alternative accessible arrangements may include, for example, provision of an examination at an individual´s home with a proctor if accessible facilities or equipment are unavailable. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.

(5) Nothing in this provision shall be interpreted to allow a private entity offering an examination to fail to meet the accessibility requirements for new construction, alterations and existing facilities

(c) *Courses*.

(1) Any private entity that offers a course covered by this section must make such modifications to that course as are necessary to ensure that the place and manner in which the course is given are accessible to individuals with disabilities.

(2) Required modifications may include changes in the length of time permitted for the completion of the course, substitution of specific requirements, or adaptation of the manner in which the course is conducted or course materials are distributed.

(3) A private entity that offers a course covered by this section shall provide appropriate auxiliary aids and services for persons with impaired sensory, manual, or speaking skills, unless the private entity can demonstrate that offering a particular auxiliary aid or service would fundamentally alter the course or would result in an undue burden. Auxiliary aids and services required by this section may include taped texts, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, Brailled or large print texts or qualified readers for individuals with visual impairments and learning disabilities, classroom equipment adapted for use by individuals with manual impairments, and other similar services and actions.

(4) Courses must be administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements must be made.

(5) Alternative accessible arrangements may include, for example, provision of the course through videotape, cassettes, or prepared notes. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.

(6) Nothing in this provision shall be interpreted to allow a private entity offering courses to fail to meet the accessibility requirements for new construction, alterations and existing facilities.

Rule 600.310 Transportation Provided by Public Accommodations

(a) *General*.

(1) A public accommodation that provides transportation services, but that is not primarily engaged in the business of transporting people, is subject to the general and specific provisions in subparts 600.200, 600.300, and 600.400 of this part for its transportation operations, except as provided in this section.

(2) *Examples*. Transportation services subject to this section include, but are not limited to, shuttle services operated between transportation terminals and places of public accommodation, customer shuttle bus services operated by private companies and shopping centers, student transportation systems, and transportation provided within recreational facilities such as stadiums, zoos, amusement parks, and ski resorts.

(b) *Barrier removal*. A public accommodation subject to this section shall remove transportation barriers in existing vehicles and rail passenger cars used for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift) where such removal is readily achievable.

(c) *Requirements for vehicles and systems*. With respect to a public accommodation subject to this section, the Commission shall base its determinations on the requirements pertaining to vehicles and transportation systems in the rules issued by the Secretary of Transportation pursuant to section 306 of the Americans with Disabilities Act. Notwithstanding the above, the Commission does not adopt the rules issued by the Secretary of Transportation or any other federal law or rule.

Rule 600.311 Mobility Devices

(a) *Use of wheelchairs and manually-powered mobility aids*. A public accommodation shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

(b) *Other power-driven mobility devices.*

(1) *Use of other power-driven mobility devices.* A public accommodation shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public accommodation can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public accommodation has adopted pursuant to § 600.301(b).

(2) *Assessment factors*. In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification under paragraph (b)(1) of this section, a public accommodation shall consider –

(A) The type, size, weight, dimensions, and speed of the device;

(B) The facility´s volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(C) The facility´s design and operational characteristics (e.g., whether its business is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

(D) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and

(E) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and rules.

(c) *Inquiries.*

(1) *Inquiry about disability.* A public accommodation shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual´s disability.

(2) *Inquiry into use of other power-driven mobility device.* A public accommodation may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person´s disability. A public accommodation that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued disability parking placard or card, or State-issued proof of disability, as a credible assurance that the use of the other power-driven mobility device is for the individual´s mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public accommodation shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance´s requirements for disability placards or cards.

Section 600.400 New Construction and Alterations

Rule 600.401 New Construction

(a) General.

(1) Except as provided in paragraphs (b) and (c) of this section, discrimination for purposes of this part includes a failure to design and construct facilities for first occupancy after June 30, 2017, that are readily accessible to and usable by individuals with disabilities. A facility designed and constructed in accordance with the new construction requirements of the Chicago Building Code is deemed to be readily accessible to and usable by individuals with disabilities as required by this provision

(2) For purposes of this section, a facility is designed and constructed for first occupancy after June 30, 2017, only –

(A) If the last application for a building permit for the facility is received by the City of Chicago after June 30, 2017.

(b) Commercial facilities located in private residences.

(1) When a commercial facility is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this subpart, but that portion used exclusively in the operation of the commercial facility or that portion used both for the commercial facility and for residential purposes is covered by the new construction and alterations requirements of this subpart.

(2) The portion of the residence covered under paragraph (b)(1) of this section extends to those elements used to enter the commercial facility, including the homeowner´s front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by employees or visitors of the commercial facility, including restrooms.

(c) Exception for structural impracticability.

(1) Full compliance with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

(3) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

(d) Elevator exemption.

(1) For purposes of this paragraph (d) –

(A) Professional office of a health care provider means a location where a person or entity regulated by the State of Illinois to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the "professional office of a health care provider" only includes floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(B) Shopping center or shopping mall means –

(i) A building housing five or more sales or rental establishments; or

(ii) A series of buildings on a common site, either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this section, places of public accommodations of the types listed in paragraph (5) of the definition of "public accommodation" in section § 600.104 are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.

(2) This section does not require the installation of an elevator in a facility that is less than three stories and has less than 1000 square feet per story and 1000 feet or less of usable or occupiable floor area, exclusive of shafts, partitions, columns, walls, elevators, stairs, permanent fixtures, toilet rooms, janitor closets, mechanical rooms, electrical rooms and telephone equipment rooms, except with respect to any facility that houses one or more of the following:

(A) A shopping center or shopping mall, or a professional office of a health care provider.

(B) A terminal, depot, or other station used for specified public transportation, or an airport passenger terminal. In such a facility, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities, and other common areas open to the public, must be on an accessible route from an accessible entrance.

(3) The elevator exemption set forth in this paragraph (d) does not obviate or limit, in any way the obligation to comply with the other accessibility requirements established in paragraph (a) of this section. For example, in a facility that houses a shopping center or shopping mall, or a professional office of a health care provider, the floors that are above or below an accessible ground floor and that do not house sales or rental establishments or a professional office of a health care provider, must meet the requirements of this section but for the elevator.

Rule 600.402 Alterations

(a) *General.*

(1) Any alteration to a place of public accommodation or a commercial facility, after June 30, 2017, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. A

facility altered in accordance with the existing facilities requirements of the Chicago Building Code, is deemed to be readily accessible to and usable by individuals with disabilities as required by this provision.

(2) An alteration is deemed to be undertaken after June 30, 2017, if the physical alteration of the property begins after that date.

(b) *Alteration*. For the purposes of this part, an alteration is a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof.

(1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

(2) If existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of the Chicago Building Code.

(c) *To the maximum extent feasible*. The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

Rule 600.403 Alterations: Path of Travel.

(a) *General*.

(1) An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

(b) *Primary function*. A "primary function" is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function.

(c) Alterations to an area containing a primary function.

(1) Alterations that affect the usability of or access to an area containing a primary function include, but are not limited to –

(A) Remodeling merchandise display areas or employee work areas in a department store;

(B) Replacing an inaccessible floor surface in the customer service or employee work areas of a bank;

(C) Redesigning the assembly line area of a factory; or

(D) Installing a computer center in an accounting firm.

(2) For the purposes of this section, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function.

(d) *Landlord/tenant:* If a tenant is making alterations as defined in § 600.402 that would trigger the requirements of this section, those alterations by the tenant in areas that only the tenant occupies do not trigger a path of travel obligation upon the landlord with respect to areas of the facility under the landlord´s authority, if those areas are not otherwise being altered.

(e) *Path of travel*.

(1) A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(2) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

(3) For the purposes of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.

(f) *Disproportionality*.

(1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(A) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

(B) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

(C) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY);

(D) Costs associated with relocating an inaccessible drinking fountain.

(g) Duty to provide accessible features in the event of disproportionality.

(1) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(2) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order:

(A) An accessible entrance;

(B) An accessible route to the altered area;

(C) At least one accessible restroom for each sex or a single unisex restroom;

(D) Accessible telephones;

(E) Accessible drinking fountains; and

(F) When possible, additional accessible elements such as parking, storage, and alarms.

(h) Series of smaller alterations.

(1) The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

(2) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

(3) Only alterations undertaken after June 30, 2017, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

Rule 600.404 Alterations: Elevator Exemption.

(a) This section does not require the installation of an elevator in an altered facility that is less than three stories or has less than 1,000 square feet per story and 1,000 square feet or less of usable or occupiable floor area, exclusive of shafts, partitions, columns, walls, elevators, stairs, permanent fixtures, toilet rooms, janitor closets, mechanical rooms, electrical rooms and telephone equipment rooms, except with respect to any facility that houses a shopping center, a shopping mall, the professional office of a health care provider, a terminal, depot, or other station used for specified public transportation, or an airport passenger terminal.

(1) For the purposes of this section, "professional office of a health care provider" means a location where a person or entity regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility that houses a "professional office of a health care provider" only includes floor levels housing by at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(2) For the purposes of this section, shopping center or shopping mall means –

(A) A building housing five or more sales or rental establishments; or

(B) A series of buildings on a common site, connected by a common pedestrian access route above or below the ground floor, that is either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this section, places of public accommodations of the types listed in paragraph (5) of the definition of "public accommodation" in § 600.104 are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.

(b) The exemption provided in paragraph (a) of this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this subpart. For example, alterations to floors above or below the accessible ground floor must be accessible regardless of whether the altered facility has an elevator.

Rule 600.405 Alterations: Historic Preservation.

(a) Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or are designated as historic under State or local law, shall comply to the maximum extent feasible with Chapter 18-11 of the Chicago Building Code.

(b) If it is determined that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or the facility, alternative methods of access shall be provided pursuant to the requirements of §§ 600.300 – 600.399 of this part.

Rule 600.406 Standards for New Construction and Alterations.

(a) Accessibility standards and compliance date.

(1) New construction and alterations subject to §§ 600.401 or 600.402 shall comply with the current version of the Chicago Building Code and all standards, codes or requirements referenced therein, in effect at the time when the last application for a building permit or permit extension governing that construction or alteration is approved by the City of Chicago.

(2) For the purposes of this section, "start of physical construction or alterations" does not mean ceremonial groundbreaking or razing of structures prior to site preparation.

(3) *Noncomplying new construction and alterations*.

(A) Newly constructed or altered facilities or elements covered by §§ 600.401 or 600.402 that do not comply with the applicable requirements, must be made accessible in accordance with the requirements of the Chicago Building Code in effect at the time the building is brought into compliance unless the Commissioner of the Mayor's Office for People with Disabilities determines that it is in the best interest of the community for the building to be made accessible in accordance with the accessibility provisions of the Chicago Building Code in effect at the time the building was built or altered.

(b) *Places of lodging*. Places of lodging subject to this part shall comply with the provisions of the Chicago Building Code applicable to transient lodging, including, but not limited to, the requirements for transient lodging guest rooms in the applicable sections of the Chicago Building Code.

(1) *Guest rooms*. Guest rooms with mobility features in places of lodging subject to the transient lodging requirements of the Chicago Building Code shall be provided as follows –

(A) Facilities that are subject to the same permit application on a common site that each have 50 or fewer guest rooms may be combined for the purposes of determining the required number of accessible rooms and type of accessible bathing facility in accordance with the applicable sections of the Chicago Building Code.

(B) Facilities with more than 50 guest rooms shall be treated separately for the purposes of determining the required number of accessible rooms and type of accessible bathing facility in accordance with the applicable sections of the Chicago Building Code.

(2) *Facilities with residential units and transient lodging units*. Residential dwelling units that are designed and constructed for residential use exclusively are not subject to the transient lodging standards.

(c) *Social service center establishments*. Group homes, halfway houses, shelters, or similar social service center establishments that provide either temporary sleeping accommodations or residential dwelling units that are subject to this part shall comply with the provisions of the Chicago Building Code applicable to residential facilities.

(1) In sleeping rooms with more than 10 beds covered by this part, a minimum of 5% of the beds shall have clear floor space in accordance with the Chicago Building Code.

(2) Facilities with more than 10 beds covered by this part that provide common use bathing facilities shall provide at least one roll-in shower with a seat that complies with the relevant provisions of the Chicago Building Code. Transfer-type showers are not permitted in lieu of a roll-in shower with a seat, and any applicable exceptions for residential dwelling units are not permitted. When separate shower facilities are provided for men and for women, at least one roll-in shower shall be provided for each group.

(d) *Housing at a place of education*. Housing at a place of education that is subject to this part shall comply with the provisions of the Chicago Building Code applicable to transient lodging, subject to the following exceptions. For the purposes of the application of this section, the term "sleeping room" is intended to be used interchangeably with the term "guest room" as it is used in the transient lodging standards.

(1) Kitchens within housing units containing accessible sleeping rooms with mobility features (including suites and clustered sleeping rooms) or on floors containing accessible sleeping rooms with mobility features shall provide turning spaces and kitchen work surfaces that comply with the Chicago Building Code.

(2) Multi-bedroom housing units containing accessible sleeping rooms with mobility features shall have an accessible route throughout the unit in accordance with the Chicago Building Code.

(3) Apartments or townhouse facilities that are provided by or on behalf of a place of education, which are leased on a year-round basis exclusively to graduate students or faculty and do not contain any public use or common use areas available for educational programming, are subject to both the transient lodging standards and the applicable requirements for residential facilities in the Chicago Building Code.

(e) *Assembly areas.* Assembly areas that are subject to this part shall comply with the provisions of the Chicago Building Code applicable to assembly areas. In addition, assembly areas shall ensure that –

(1) In stadiums, arenas, and grandstands, wheelchair spaces and companion seats are dispersed to all levels that include seating served by an accessible route;

(2) In assembly areas that are required to horizontally disperse wheelchair spaces and companion seats by the Chicago Building Code and that have seating encircling, in whole or in part, a field of play or performance, wheelchair spaces and companion seats are dispersed around that field of play or performance area;

(3) Wheelchair spaces and companion seats are not located on (or obstructed by) temporary platforms or other movable structures, except that when an entire seating section is placed on temporary platforms or other movable structures in an area where fixed seating is not provided, in order to increase seating for an event, wheelchair spaces and companion seats may be placed in that section. When wheelchair spaces and companion seats are not required to accommodate persons eligible for those spaces and seats, individual, removable seats may be placed in those spaces and seats;

(4) In stadium-style movie theaters, wheelchair spaces and companion seats are located on a riser or cross-aisle in the stadium section that satisfies at least one of the following criteria –

(A) It is located within the rear 60% of the seats provided in an auditorium; or

(B) It is located within the area of an auditorium in which the vertical viewing angles (as measured to the top of the screen) are from the 40th to the 100th percentile of vertical viewing angles for all

seats as ranked from the seats in the first row (1st percentile) to seats in the back row (100th percentile).

(f) *Medical care facilities*. Medical care facilities that are subject to this part shall comply with the provisions of the Chicago Building Code applicable to medical care facilities. In addition, medical care facilities that do not specialize in the treatment of conditions that affect mobility shall disperse the accessible patient bedrooms required by the Chicago Building Code in a manner that is proportionate by type of medical specialty.

Rule 600.500 Effective Date

(a) *General.* Except as otherwise provided in this section and in this part, this Part 600 shall become effective on July 1, 2017. All references to the Chicago Building Code shall refer to the version of the Chicago Building Code and all standards, codes, and requirements referenced therein, in effect at the time of the conduct in question.

(b) *Transportation services provided by public accommodations.* Newly purchased or leased vehicles required to be accessible by § 600.310 must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if the solicitation for the vehicle is made after June 30, 2017.