



REPORT TO CITY COUNCIL

FROM: Dorothy Ann David, City Manager

DATE: June 21, 2019

SUBJECT: HUMAN RIGHTS ORDINANCE UPDATE - SS 2019-026

A. Introduction: The purpose of this report is to provide information on Section 17-4.5 of the Champaign Municipal Code. The Human Rights Ordinance prohibits discrimination in housing based on convictions unless there is a business necessity. Section 17-4.5 is the provision that provides a business necessity exemption relating to the leasing of housing to persons with prior forcible felony and felony drug convictions unless the person has resided outside of prison for five (5) years after release and had no additional convictions. The Administration seeks Council direction.

B. Recommended Action: This Study Session was scheduled at the request of members of the City Council. The Administration requests that City Council provide direction to staff on whether to draft modifications to Section 17-4.5 of the Human Rights Ordinance for consideration by Council at a future Regular Meeting.

C. Prior Council Action:

- On July 13, 1977 Council approved Council Bill 77-222 an ordinance to prohibit discrimination in the City of Champaign.
- On three study sessions dates on March 1, April 4 and May 2, 1994 Council heard public comment from the Human Relations Commission regarding updates from three public hearings to discuss proposed amendments to the Human Rights Ordinance.
- On May 20, 1994 a Report to City Council was developed with proposed amendments to the Human Rights Ordinance. The proposed amendments were based on the Community Relations Office and Legal Department working together to determine what changes to the ordinance would need to be made to ensure it was “substantially equivalent” to the US Department of Housing and Urban Development (HUD) standards under the Fair Housing Act.
- On June 15, 1994 Council reviewed the proposed amendments which included outlining new language to allow an exception for business necessity when leasing residential property to those with prior convictions related to felony drug convictions or forcible felonies as outlined in the Illinois statutes.

- On July 5, 1994, Council approved the proposed amendments to Section 17-4.5. (CB1994-167)

"Sec. 17-4.5. - Same—Same—Conviction.

Nothing in this chapter shall prohibit discrimination in the leasing of residential property based upon a person's record of convictions for a forcible felony or a felony drug conviction or the conviction of the sale, manufacture or distribution of illegal drugs or convictions which are based upon factors which would constitute one of the categories of convictions listed above under Illinois law; provided, that the conviction shall not be allowed to be the basis of discrimination if the person convicted has resided outside of prison at least the last five (5) consecutive years without being convicted of an offense involving the use of force or violence or the illegal use, possession, distribution, sale or manufacture of drugs. This exception is not a restriction on the use of conviction information for other necessary business reasons.

This exception shall not be construed to authorize the use of conviction information to achieve racial or ethnic discrimination or discrimination on the basis of a disability or any other protected basis other than conviction and landlords are encouraged to consider the rehabilitative efforts of individuals and the period since the conviction and circumstances of the conviction when deciding to discriminate on the basis of conviction information. The landlord is not relieved of any obligation of making a reasonable accommodation for persons with disabilities by this exception."

- [Council Goals 2015-2017](#) and [Council Goals 2017-2019](#) include a key project to support community efforts to establish a reentry program for offenders exiting the criminal justice system.
- On February 2, 2019 Council circulated a petition requesting a Study Session to discuss reducing the length of time for landlords to take in account a felony conviction and examining which forcible felony or drug felony conviction should apply to Section 17-4.5 of the Human Rights Ordinance.

D. Summary:

- The Human Rights Ordinance was developed to prohibit discrimination in the City of Champaign and to ensure the Community Relations Office and the Human Relations Commission (HRC) could enforce protections as outlined.
- In 1994, proposed amendments to the Human Rights Ordinance included outlining additional language to allow an exception for business necessity when leasing residential property to those with prior forcible felony convictions and felony drug convictions. The exception is not applicable if a person has resided outside of prison for five (5) consecutive years without additional convictions as outlined in Section 17-4.5.
- The Human Relations Commission conducted three public hearings on January 3, January 31 and March 1, 1994 to review the proposed changes to the Human Rights Ordinance. The Human Relations Commission recommended that the business necessity not be added to the ordinance, due to the ordinance allowing “too much” discrimination against people with

conviction history.

- Staff determined in its presentation of the change to Council that the changes would streamline the processing of housing complaints, provide clearer direction to landlords in the leasing process and eliminate a lengthy investigation.
- Reentry as a national issue began receiving attention in 2011 by the federal government to collaborate at the federal level for solutions around the challenges of reentry. One major barrier identified was housing.
- Reentry efforts by Council included Council Goals between [Council Goals 2015-2017](#) and [Council Goals 2017-2019](#) to support community efforts to establish a reentry program for offenders exiting the criminal justice system.
- On April 4, 2016 The US Department of Housing and Urban Development (HUD) developed guidance on Fair Housing Act Standards to the Use of Criminal Records by Providers of Real Estate Related Transactions. The document outlines identifying significant barriers to housing for those with criminal histories across the country.
- While HUD allows policies allowing exclusions to persons with criminal history, HUD emphasizes any such policy requires the burden of proving that the exclusion is justified. Additionally, of note is the higher rate of incarceration for African Americans and Hispanics, thus inferring careful consideration should be maintained when developing exclusion policies based on prior convictions of any kind, due to the disproportionately high rates of arrest and incarceration for racial and ethnic minorities.
- Guidelines for federally assisted housing allow for two permanent bans for lifetime registered sex offenders and persons involved in the manufacturing of methamphetamine on federally assisted housing property. No other permanent or time-limited bans exist within federally assisted housing for persons convicted of other offenses.
- Review of other communities does not indicate a similar policy as is stated in Section 17-4.5.
- Policy alternatives for Council to consider will range from leaving the ordinance intact to modifications designed to provide guidance around length of time and conviction type based on current federal housing act guidelines.

E. Background:

1. Human Rights Ordinance. Both the Civil Rights Act of 1964 and the Fair Housing Act of 1968 outlined protections against discrimination on the basis of race, color, disability, religion, sex, familial status and national origin. The City of Champaign established a [Human Rights Ordinance](#) locally to align with the Civil Rights Act but provided additional protections within the jurisdiction of the City of Champaign. In 1977 (Council Bill 77-222), the ordinance was developed with the intent to secure an end to discrimination in the areas of employment, housing, public accommodation and extending and/or securing credit. The ordinance includes protections on the basis of age, sex, race, color, creed, religion, matriculation, physical or mental disability, marital status, national origin, political affiliation, sexual preference, personal appearance, family responsibilities, source of income and prior arrest or conviction record.

2. History of Section 17-4.5 of the Human Rights Ordinance. Prior to 1994, the general practice was to allow landlords to claim business necessity when denying access to housing due to prior convictions. However, the practice was not explicitly allowed in the code. At that time, the City reviewed policies and standards of landlords that were considered as following

federally assisted housing guidelines, and found that the policies allowed for screening tenants out based on prior drug convictions and convictions for violent crimes against other tenants. During the study sessions dedicated to this issue, staff proposed amendments to the Human Rights Ordinance to align with federal housing guidelines so the US Department of Housing and Urban Development (HUD) would favorably consider the City's request for grant funding to investigate fair housing complaints locally. The City was actively pursuing federal funding and needed to ensure the amendments were "substantially equivalent" to HUD guidelines. In addition, it was believed the addition of Section 17-4.5 would resolve the ambiguity of business necessity, assist staff in determining what cases met the standard for probable cause in investigating housing complaints and ensure the City met HUD standards under the Fair Housing Act.

Staff met with the Human Relations Commission in late 1993 to discuss and present the proposed amendments and the HRC conducted three public hearings in 1994. HRC recommended City Council not adopt proposed amendments as they believed the proposed amendments were to discriminatory to the formerly incarcerated. This recommendation was based on input from HRC and the public hearing process.

3. Request to Revisiting the Human Rights Ordinance Section 17-4.5. The City Council has requested that the City Administration schedule a Study Session to review the provisions of the Human Rights Ordinance that provide for a business exception in the leasing of housing to persons with prior forcible felony or drug felony convictions. As in 1994, revisiting the provisions of the code today allows the City to clarify intent, address ambiguous provisions, and to assure that the code language meets current community needs and the City's intent to prohibit discrimination. The specific language of the study session request from Council asked to discuss "reducing the length of time for landlords to take into account a felony conviction and examining which forcible felony or drug conviction should apply to Section 17-4.5." In response to this request, staff has used an approach similar to that used in 1994. This report provides information about policy considerations to better address Council goals, align local policy with federal fair housing guidelines, and respond to current trends and issues within the community.

4. Public Interest. City Council and The Human Relations Commission have both heard extensive public comment around Section 17-4.5 dating back to October of 2016. Members of the public who have addressed this issue to the City have included the formerly incarcerated, landlords, housing providers, community-based advocacy groups and governmental entities both for and against the current language in Section 17-4.5.

5. National Reentry Trends. National efforts have been made to decrease the level of recidivism by ensuring that individuals returning to communities after incarceration are provided with the necessary supports to achieve successful reentry. In January 2011 the federal government convened 20 federal agencies to form the [Federal Interagency Reentry Council](#) after acknowledging an approximate 600,000 individuals are released from state and federal prisons yearly. The group was tasked with reducing recidivism and victimization, assisting those returning with becoming productive citizens and saving taxpayer dollars by lowering the direct and collateral costs of incarceration. Since 2011 the Interagency group has taken steps to remove federal barriers to successful reentry and have grown to an approximate 30 federal agencies

collaborating on challenges faced by individuals reentering the community after incarceration. The group maintains that gainful employment and stable housing assist in supporting families of the formerly incarcerated and contribute to the overall community.

6. Reentry in Champaign. Since 2015, Council has stated a key project under Council goal “Our City Ensures Community Safety,” as supporting community efforts to establish a reentry program for offenders exiting the criminal justice system. In addition, The City's last Analysis of Impediments to Fair Housing, completed in 2014, includes anecdotal information regarding reentry and prior criminal history as a housing barrier. The Analysis concluded that reentry is becoming a significant issue that would need to be considered in future housing studies.

Champaign County has an established Reentry Council in which membership includes members of the Champaign County Board, law enforcement, the States Attorney's Office, Champaign County Mental Health Board and other social service and governmental agencies in Champaign County. This group has identified access to housing as a significant barrier in Champaign County to those reentering the community after incarceration.

7. Racial Disparities in Incarceration Rates. African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population. A national study completed by the Sentencing Project in an article [The Color of Justice: Racial and Ethnic Disparities in States Prisons](#), states African Americans are incarcerated 5 times more than whites. The study also shows Hispanics are incarcerated 1.4 times than whites. Illinois is listed as one of 12 states in which more than half of the prison population is African American. Therefore, policies that limit access to housing for those with prior criminal convictions would have a disproportionate impact on minorities and would be considered as a disparate impact.

8. Public Housing Exclusion Policies. Public Housing Authorities are required by law to screen and exclude applicants with certain convictions on their records. Until there is a change in regulations, a policy by a private housing provider that excludes individuals for any of the following reasons should still be permissible:

- Conviction for producing methamphetamine in federally assisted housing
- Applicant is subject to a lifetime registration requirement under a State sex offender registration program
- A history of drug related activity, violent criminal activity, crimes that threaten health, safety, or peaceful enjoyment of property are at the discretion of the agency.

9. Federally Assisted Housing Programs and Criminal Convictions. Federally assisted housing programs have varying degrees of the use of criminal history in making housing decisions. A permanent ban on admission includes a conviction of the production of methamphetamine at a federally assisted housing site and a lifetime registered sex offender. History of drug related activity, violent criminal activity, crimes that threaten health, safety or peaceful enjoyment of property are at the discretion of the agency. This is specific to public housing and voucher programs. Other federally assisted programs which include project-based Section 8 and funds appropriated for homeless populations allow the public housing agency and/or owner to use discretion to admit the applicant. There are no specific federal requirements

regarding admission of individuals with criminal background for low income housing tax credit units, shelter plus care, supportive housing programs or Housing Opportunities for Persons With AIDS (HOPWA).

10. The Fair Housing Act and HUD guidelines. The U.S. Supreme Court held in *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.* 135 S.Ct.2507 (2015) that disparate impact claims are within the jurisdiction the Fair Housing Act (FHA). The US Department of Housing and Urban Development (HUD) provided guidance on the application of FHA standards for the use of criminal records by housing providers. Criminal history-based restrictions on housing opportunities violate the FHA if, without justification, their burden falls more often on one race or national origin over another. The HUD guidelines do not ban housing providers from conducting criminal screenings on applicants. They simply outline HUD's position on how disparate impact lawsuits could proceed against housing providers whose policies may result in an unjustified discriminatory effect.

The same criteria which applies to public and private housing providers, applies to the City. Private housing providers would likely adopt the City's ordinance as their policy, so it is crucial that the ordinance conforms to the federal Fair Housing Act. The HUD guidelines provide an objective standard to make this analysis and to minimize subjective determinations.

11. Discriminatory Effects Liability Under the Fair Housing Act. A seemingly neutral policy or practice which has a disparate impact on individuals of a particular race, national origin, or other protected class is a violation of the FHA unless it is necessary to serve a *substantial, legitimate, non-discriminatory interest* of the housing provider. HUD issued a final rule formally establishing a 3-part test to determine liability under the FHA:

- a. **Step 1.** An applicant must prove the policy has a disparate impact. The complainant would satisfy this step by supplying evidence proving that the challenged practice actually or predictably results in a disparate impact. There must be a causal relationship between the policy and the disparate impact. The housing provider is entitled to refute the claim.
- b. **Step 2.** A housing provider must then prove that the policy is justified, and cannot be achieved by a different, non-discriminatory method. The housing provider must prove that the challenged policy or practice is justified. That it is necessary to achieve a substantial, legitimate, nondiscriminatory interest of the provider. The provider must provide hard evidence that the policy *actually achieves* that interest. Bald assertions based on generalizations or stereotypes will not suffice.
- c. **Step 3.** If the housing provider successfully proves Step 2, the applicant must prove that even if the policy or practice is necessary to achieve its substantial, legitimate, nondiscriminatory interest, this interest could be served by another practice with less discriminatory effect.

12. Comparisons with Other Municipal Human Rights Ordinances. Additional communities (See Attachment A) were reviewed to determine if other policies exist that are similar to the business exception as stated in the Champaign Human Rights Ordinance. Several of the communities including Evanston, Iowa City, Iowa, Bloomington, Indiana do not address discrimination based on prior arrest or conviction. Other communities such as Springfield, Urbana and Peoria do not have a provision like the City of Champaign.

In April 2019, Cook County passed the [Just Housing Amendment](#) which will go into effect in November 2019. The amendment provides protection for those with past criminal histories and requires housing providers to provide an individual analysis on each applicant. The ordinance ensures appropriate notice be provided to the applicant in order to dispute the information and any subsequent denial of housing. Cook County does not provide any specific language regarding types of convictions to consider nor does it provide a specific length of time to consider conviction records.

13. Policy Alternatives for Consideration. In evaluating Section 17-4.5, Council can opt to maintain the current code language, repeal the exception, or amend the ordinance to modify various elements of the exception. Amendments could modify the term of the exception or types of criminal offenses that are included, or Council could add requirements for property owners who apply the exception within their leasing practices such as allowing an applicant to appeal a denial for criminal conviction.

- a. Term of the Exception - Number of Years Screening Policies Should Look Back.** To the extent that the City determines a continued need to allow for a business exception to the Human Rights Ordinance that allows for the use of criminal background checks in screening potential tenants, there is no clear, objective standard to establish the term limit for such an exception. As stated previously, the current language of 17-4.5 allows screening for prior conviction for forcible felonies or felony drug convictions unless the person has resided outside of prison for five (5) years after release and had no additional convictions. There is no bright line as to how many years back a criminal background check can or should look. Recidivism rates vary widely by type of crime and there is no magic number of years that will indicate a perfectly rehabilitated and risk-free resident. According to April 4, 2016 HUD guidance evidence suggests that the likelihood of future criminal conduct decreases after 6 or 7 years after release to approximate the risk of new offenses among persons with no criminal record.

One possibility is that Council could amend the Human Rights Ordinance to align with length of time associated with other City policies such as the requirements for applicants for taxi licenses. Provisions of the City Code that apply to taxi license applicants restricts licenses for those convicted of specific crimes within the past four (4) years and outlines specific violations in the past three years related to moving offenses only. This provides for the policy to be specific to the business necessity and provides parameters regarding the number of additional offenses that prohibit an applicant from receiving a license.

- b. Types of Offenses Included in the Business Exception.** Currently, the offenses included in the business exception provided for in 17-4.5 include “record of convictions for a forcible felony or a felony drug conviction or the conviction of the sale, manufacture or distribution of illegal drugs or convictions which are based upon factors which would constitute one of the categories of convictions listed above under Illinois law.” A list of forcible felonies as defined in the Illinois statutes is included in Attachment B to this report. Council may consider amending the Code language to modify the offenses that are provided for within the exception; however, it is important that modifications to this code language be narrowly defined to meet the standards of the Fair Housing Act and prohibit the use of the exception for discriminatory purposes. Potential amendments might include restricting the exception to property-related forcible felonies along with violence occurring as specific housing-related offenses.

- c. Consideration of Dispute/Appeal.** Similar to the Just Housing Amendment adopted in Cook County, Council could amend the code to require that property owners provide for a dispute or appeal process when denying a housing applicant based upon prior criminal convictions. This would be similar to the appeal process provided for when an applicant for a taxi license is denied based upon prior criminal conviction. If Council would like to consider adding such a requirement to the code, staff would recommend further research on how this has been implemented and monitored in other communities. It would also be critical to establish standards that can be objectively investigated when allegations of a Human Rights Ordinance violation were reported related to such a dispute/appeal.

14. Next Steps. Staff seeks Council direction on what, if any, modifications should be made to the Human Rights Ordinance Section 17-4.5. Depending on Council input, staff can draft a code amendment and bring it directly to a Regular Meeting for adoption. Or, if Council would like additional research or public input to be considered, another Study Session can be scheduled in advance of finalizing code language for consideration. The timeline for additional research and/or public input to be considered may take 3-5 months. If additional research, public input or another Study Session is not deemed necessary by Council, draft code language can be completed and scheduled for Council consideration on a Regular Meeting agenda within the next 60 days.

F. Alternatives:

1. Direct staff to draft modifications to Section 17-4.5 of the Human Rights Ordinance, incorporating Council input, for consideration at a future Regular Meeting.

2. Do not direct staff to make modifications to Section 17-4.5 of the Human Rights Ordinance and provide further to direction to staff.

G. Discussion of Alternatives:

Alternative 1 would direct staff to make modifications to Section 17-4.5 of the Human Rights Ordinance based on Council feedback.

a. Advantages

- Provides an opportunity to more narrowly focus the business necessity exception and provide better access to housing options for the persons with criminal histories.
- Would align with Council goals to support reentry efforts for the formerly incarcerated.
- Updates the ordinance to align with recent Fair Housing trends related to access to housing for the formerly incarcerated.

b. Disadvantages

- Proponents of eliminating barriers to housing for the formerly incarcerated will likely oppose any continuation of a business necessity exception.
- Owners of rental property may oppose any narrowing the current exception.
- Potential to determine new language that does not align with Fair Housing Standards.
- New standards may require a public education effort to assure that property owners and residents understand changes in the Human Rights Ordinance.

Alternative 2 would not direct staff to proceed with modifying proposed ordinance changes.

a. Advantages

- No further action needed from Council.
- Maintains consistency with past practice which is generally understood within the rental property management community.

b. Disadvantages

- Does not address the potential of disparate impact of the business necessity exception on African American and Hispanic residents in the community.
- Does not respond to recent public comments and interest in this issue, and community input to reduce barriers to housing access for the formerly incarcerated.
- May hinder reentry efforts community wide.

H. Community Input: Over the past several years, Council, the Human Relations Commission and City staff have received input from various community stakeholders about this issue. In addition, the Office of Equity, Community and Human Rights has received phone calls, letters and email correspondence from citizens and organizations regarding Section 17-4.5 of the Human Rights Ordinance. Both groups and citizens for and against the ordinance have shown great interest in the subject matter and contend their views improve and/or maintain the quality of life for the City of Champaign.

In a letter dated August 5, 2016, the Reentry Council of Champaign County requested that the Human Relations Commission consider recommending that the Human Rights Ordinance reflect former language prior to the amendments adopted in 1994. The Reentry Council asked in the letter if the City of Champaign had conducted any local research to justify denying housing for 5 years to those with felony convictions as described under the ordinance. The research referenced

in the letter was specific to any data collected regarding reduction of crime rates. The letter and recommendations from the Reentry Council were presented to the Human Relations Commission on October 3, 2016, during the regular monthly meeting. On October 3, 2016, the Champaign Human Relations Commission unanimously voted to “ask that staff begin to draft a letter to City Council stating the Human Relations Commission supports the change of language in the Human Rights Ordinance, to protect people with prior criminal records in their housing search.”

On July 24, 2018 several organizations and groups spoke in support of repealing Section 17-4.5 during the public comment portion of the City Council meeting. On March 12, 2019 the Rental Property Investor’s Forum hosted a meeting with City Council, Human Relations Commissioners and concerned rental property owners to discuss their insights and views regarding judgment and discretion of landlords to refuse someone with a felony criminal background, tenant driven issues, discrimination policies, the concern of repealing the ordinance language and the impact the ordinance changes would have on landlords and housing providers.

The Champaign Tenant Union in a letter dated May 2, 2019 sent potential questions to address for the Study Session related to data for specific convictions, demographics of those convicted and other areas.

I. Budget Impact: There are no current or long-term budget implications.

J. Staffing Impact: Approximately 100 hours of staff time has been spent on this topic.

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Attachments:

Attachment A: Research from Comparable Communities

Attachment B: [Illinois State Forcible Felonies](#)

Comparable Community Information

- State of Illinois – **Allows** for “Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. 802)” within the [Sec. 3-106](#) of the Illinois Human Rights Act (775 ILCS 5).
- City of Springfield – **Allows** for “Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Federal Controlled Substances Act (21 U.S.C. 802)” as a civil rights violation ([Fair Housing](#)).
 - Ordinance does not have a specific clause like Champaign’s.
- City of Chicago – [Human Rights Ordinance](#) states “The city council finds that prejudice and the practice of discrimination against any individual or group because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (as to employment only), or **criminal history (as to employment only)** menace peace and public welfare.
 - Ordinance does not have a specific clause like Champaign’s.
- County of Cook - **Does not allow** for discrimination based on arrest or conviction record; though there are few exceptions. ([Housing Ordinance](#); click on the “Reports” tab).
- City of Champaign – **Allows** for housing discrimination based on conviction records if the individual was released from prison within 5 years of a lease application ([Human Rights](#)).
- City of Urbana – [Human Rights Ordinance](#) states its intent as securing “...an end, in the city, to discrimination, including, but not limited to, discrimination by reason of...prior arrest or conviction record...rather than evaluating a person's unique qualifications relevant to an opportunity in housing, employment, credit or access to public accommodations”. It further defines discrimination as “Any practice or act which is *unlawfully* based wholly or partially on...prior arrest or conviction record”.
 - Ordinance does not have a specific clause like Champaign’s.
- City of Evanston – Does not address discrimination based on arrest or conviction record (Human Rights Ordinance | Fair Housing Ordinance)
 - Ordinance does not have a specific clause like Champaign’s.
- City of Peoria – References [Sec. 3-106](#) of 775 ILCS 5.
 - Ordinance does not have a specific clause like Champaign’s.

- City of Bloomington – Cannot find a Human Rights or Housing Ordinance
- Town of Normal – [Human Relations Ordinance](#) does not specifically prohibit discrimination based on prior arrest or conviction record regarding housing or real estate transactions.
 - Ordinance does not have a specific clause like Champaign’s.
- City of Aurora - References [Sec. 3-106](#) of 775 ILCS 5.
 - Ordinance does not have a specific clause like Champaign’s.
- Village of Schaumburg - Cannot find a Human Rights or Housing Ordinance
- City of Decatur – [Unlawful Discrimination](#) references [Sec. 3-106](#) of 775 ILCS 5.
 - Ordinance does not have a specific clause like Champaign’s.
- City of Bloomington, IN – Does not address discrimination based on arrest or conviction record ([Housing Discrimination](#)).
 - Ordinance does not have a specific clause like Champaign’s.
- City of Iowa City, IA - Does not address discrimination based on arrest or conviction record ([Discriminatory Practices](#))

Illinois State Forcible Felonies

(720 ILCS 5/2-8) (from Ch. 38, par. 2-8)

Sec. 2-8. "Forcible felony". "Forcible felony" means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual.

(Source: P.A. 88-277; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)