

September 6, 1967

TO: Corporation Counsel Harvey W. Schwartz
FROM: Herman S. Bloch
RE: Proposed anti-discrimination ordinance.

1. To avoid confusion and uncertainty over the coverage of the proposed ordinance, it might be well to draft and present along with the proposed ordinance, the amendment to Chapter 16 Article 4 which would extend coverage to all brokers doing business in Skokie, and to make known also at the same time the penalties for doing such business without a license.
2. The principal point of ambiguity apparent at the last meeting was the question of whether a broker, under the proposed ordinance, could accept a listing stated to be discriminatory. Related questions were also raised: What happens if the broker accepts a listing without restriction, but the owner refuses to show to the first Negro brought to the home -- must the broker give up the listing, can he keep it and continue to ~~show~~ attempt to show it to all interested parties, or is his obligation discharged if he tells a buyer known to be unwelcome that he (the broker) would like to show the home but the owner will not permit it? Is the broker discriminating if he waives his fee after bringing a bona fide offer for the amount asked, which is refused by the seller?

I believe that all such doubts could be resolved by adding to our ordinance paragraphs (g) and (h) of the Maywood ordinance, reading:

"No real estate broker shall: ...

"(g) Enter into a listing agreement which prohibits the sale or rental of real estate to any person because of race, color, religion, national origin or ancestry; or

"(h) Act or undertake to act as a real estate broker with respect to any property the disposition of which is prohibited to any person because of race, color, religion, national origin or ancestry."

Would such an addition affect the constitutionality of the ordinance? Can you find out what the legal status is of the Maywood ordinance, which early this year was under court test?

3. I have a number of minor suggestions, largely editorial and clarifying in nature, but they are non-controversial and can be handled when we meet on Sept. 14.