

JOINT COMMITTEE.

COMMITTEE ON FINANCE

AND

COMMITTEE ON HUMAN RELATIONS.

AMENDMENT OF TITLE 2 OF MUNICIPAL CODE OF CHICAGO
BY CREATION OF NEW CHAPTER 173 TO DISALLOW
DISCLOSURE OF AND CONDITIONING BENEFITS AND
SERVICES ON INDIVIDUAL'S CITIZENSHIP
AND RESIDENCY STATUS.

A Joint Committee, comprised of the members of the Committee on Finance and the members of the Committee on Human Relations, submitted the following report:

CHICAGO, March 29, 2006.

To the President and Members of the City Council:

Your Committee on Finance and Committee on Human Relations, having had under consideration a substitute ordinance authorizing the amending of the Municipal Code of the City of Chicago by creating new Chapter 2-173 regarding equal access to benefits, opportunities and services administered by the City of Chicago, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed substitute ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the Joint Committee.

Respectfully submitted,

(Signed) EDWARD M. BURKE,
Committee on Finance,
Chairman.

(Signed) BILLY OCASIO,
Committee on Human Relations,
Chairman.

On motion of Alderman Burke, the said proposed substitute ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Flores, Preckwinkle, Hairston, Lyle, Beavers, Stroger, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, T. Thomas, Coleman, L. Thomas, Murphy, Rugai, Troutman, Brookins, Muñoz, Zalewski, Chandler, Solis, Ocasio, E. Smith, Carothers, Reboyras, Suarez, Matlak, Austin, Colón, Mitts, Allen, Laurino, Doherty, Natarus, Daley, Tunney, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 44.

Nays -- None.

Alderman Beavers moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

WHEREAS, The City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, Pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, To this end, the City of Chicago is dedicated to providing its residents with equal access to the services, opportunities, and protection it provides or administers; and

WHEREAS, Conditioning the provision of services, opportunities, and protection on citizenship or immigrant status or inquiring about such status in the course of said provision directly contravenes the city's commitment to ensuring equal access; and

WHEREAS, Local governments are increasingly pressured to become involved in the enforcement of federal civil immigration laws by conditioning services and opportunities on, or inquiring about, immigrant status; and

WHEREAS, The enforcement of civil immigration laws has historically been a federal government responsibility -- a power vested first in the Immigration and Naturalization Service and then in the Department of Homeland Security; and

WHEREAS, Initiatives such as the proposed Federal Clear Law Enforcement for Criminal Alien Removal Act, which would require local governments to give their local law enforcement agencies express authority to enforce immigration laws, also signal pressure to expend limited local resources on traditionally federal functions; and

WHEREAS, Encouraging local governments that are not specifically equipped or trained to implement immigration and anti-terrorist measures to do so is likely to result in inconsistencies and decentralization that undermine instead of strengthen these measures; and

WHEREAS, The City of Chicago joins several major cities, including Los Angeles, San Francisco, Seattle, Minneapolis, and Saint Paul, among others, that have official policies prohibiting their municipal agencies from inquiring about immigration status and unilaterally enforcing immigration law provisions; and

WHEREAS, Requiring, or even promoting, local enforcement of immigration laws gives rise to an increased threat of immigrant and minority profiling and harassment; and

WHEREAS, Such an environment would cause a chilling effect on crime prevention and solving if both witnesses and victims are called upon to weigh a need to cooperate with local authorities against a fear of deportation, thereby undermining long-standing efforts to engender trust and cooperation between law enforcement officials and immigrant communities; and

WHEREAS, For the past one hundred fifty (150) years, the City of Chicago and its surrounding area has been hope and home to immigrants from throughout the globe; and

WHEREAS, The metropolitan Chicago area is home to over 1.4 million immigrants -- nearly twenty percent (20%) of the region's population -- from more than one hundred (100) countries, representing all major world regions, and consisting of approximately twenty-six percent (26%) European, twenty-three percent (23%) Asian and forty-seven percent (47%) Latin American immigrants; and

WHEREAS, With these numbers, Chicago ranks fifth (5th) nationally in the size of its immigrant population, behind the New York, Los Angeles, San Francisco and Miami metropolitan regions; and

WHEREAS, Chicago experienced a forty (40) year long declining population trend that foreign-born residents reversed during the 1990's when they also accounted for ninety percent (90%) of the net growth in its labor force; and

WHEREAS, Immigrants are twenty-six percent (26%) of Chicago's workforce; and

WHEREAS, The above-cited figures are but a shadow of an indication of the contributions made by Chicago's immigrants to the city's history, character and functions; and

WHEREAS, The city's policy is to ensure that all of its residents be able to access city services to which they are eligible or entitled, without regard to their immigration status under federal law; and

WHEREAS, Executive Order 89-6 has as its intended effect to “encourage equal access by all persons residing in the City of Chicago, regardless of nation of birth or current citizenship, to the full benefits, opportunities and services, including employment and the issuance of licenses, which are provided or administered by the City of Chicago”; and

WHEREAS, There is a need to herald this intent as a known and enforced law of the City of Chicago; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The above recitals are expressly incorporated and made part hereof as though fully set forth herein.

SECTION 2. Title 2 of the City of Chicago Municipal Code is hereby amended by inserting a new Chapter 2-173 underscored as follows:

2-173-010 Definitions.

As used in this ordinance, the following words and phrases shall mean and include:

(a) Agency. “Agency” means every department, agency, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order.

(b) Agent. “Agent” means any person employed by or acting on behalf of an agency as defined in Section (a).

(c) Citizenship or residency status. “Citizenship or residency status” means all matters regarding questions of citizenship of the United States or any other country, questions of authority from the Department of Homeland Security -- or federal entity charged with enforcing civil immigration laws -- to reside in or otherwise be present in the United States, and the time or manner of a person’s entry into the United States. The use in this ordinance of the term “residency” shall not mean street address or location of residence in Chicago or elsewhere.

2-173-020 Requesting Information Prohibited.

No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or residency status of any person unless such inquiry or investigation is required by Illinois State Statute, federal regulation, or court decision. Notwithstanding this provision, the Corporation Counsel may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding in which the City is or may be a party.

2-173-030 Disclosing Information Prohibited.

Except as otherwise provided under applicable federal law, no agent or agency shall disclose information regarding the citizenship or residency status of any person unless required to do so by legal process or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or guardian.

2-173-040 Conditioning Benefits, Services, Or Opportunities On Immigrant Status Prohibited.

No agent or agency shall condition the provision of City of Chicago benefits, opportunities, or services on matters related to citizenship or immigrant status unless required to do so by statute, federal regulation, or court decision. Where presentation of an Illinois driver's license or identification card is accepted as adequate evidence of identity; presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document) shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided an Illinois driver's license or identification card except that this sentence does not apply to the completion of the federally mandated I-9 forms.

2-173-050 No Private Cause Of Action.

This chapter does not create or form the basis for liability on the part of the City, its agents, or agencies. The exclusive remedy for violation of this chapter shall be through the City's disciplinary procedures for officers and employees under regulations including but not limited to this City personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. A person alleging a violation of this chapter shall forward a complaint to the Office of the Inspector General ("Inspector General") who shall process it in accordance with the complaint-processing procedures established in Chapter 2-56 of this Code except that if the complaint is against any member of the City Council or any employee or staff person of any City Council committee, the Inspector General shall promptly transmit said complaint to the chairman of the City Council Committee on Committees, Rules and Ethics for processing or such successor committee having jurisdiction over said matters and if the complaint is against any member of the Chicago Police Department, the Inspector General shall transmit it to the Chicago Police Department for processing.

2-173-060 Expunging File Information.

All applications, questionnaires, and interview forms used in relation to City of Chicago benefits, opportunities, or services shall be promptly reviewed by the

pertinent agencies and any questions regarding citizenship or residency status other than those required by statute, ordinance, federal regulation, or court decision, shall be deleted within 60 days of the passage of this ordinance.

2-173-070 Severability.

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the City Council that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

SECTION 3. This ordinance shall be in full force and effect upon its passage and publication.

JOINT COMMITTEE.

COMMITTEE ON ZONING

AND

COMMITTEE ON EDUCATION AND CHILD DEVELOPMENT.

AMENDMENT OF TITLE 17, CHAPTER 4 OF MUNICIPAL CODE
OF CHICAGO (CHICAGO ZONING ORDINANCE) BY
ESTABLISHMENT OF CHICAGO PUBLIC SCHOOLS
CAPITAL IMPROVEMENT PROGRAM
AND FLOOR AREA BONUSES
RELATED THERETO.

(Application Number TAD-341)

A Joint Committee, comprised of the members of the Committee on Zoning and the members of the Committee on Education and Child Development, submitted the following report: