

An aerial photograph of a city skyline, likely New York City, showing a dense cluster of skyscrapers. The image is used as a background for the text overlay. The text is presented in a semi-transparent grey box with rounded corners.

Presented By:

Chicago Area Fair Housing Alliance

Housing Choice Partners

Roosevelt University's Policy Research Collaborative

Shriver Center on Poverty Law

Cook County Fair Housing Laws



Agenda

- Overview of the Fair Housing Act
- Protected Classes
- Sexual Harassment
- Reasonable Accommodations & Modifications
- HCV Program
- Just Housing Amendment
- Discussion

Fair Housing

- The right for all people to live where they choose and enjoy full use of their homes
- Ensures that all Chicagoans have equal access to housing
- Removes barriers that restrict access to life opportunity



Government Sponsored Segregation

- Patterns of segregation did not occur organically.
- Public and private mechanisms intended to restrict housing choice for minority households.

“Denial of access to housing is the single most powerful tool to undermine and marginalize the upward mobility of people”

(Carr & Kutty, 2008).

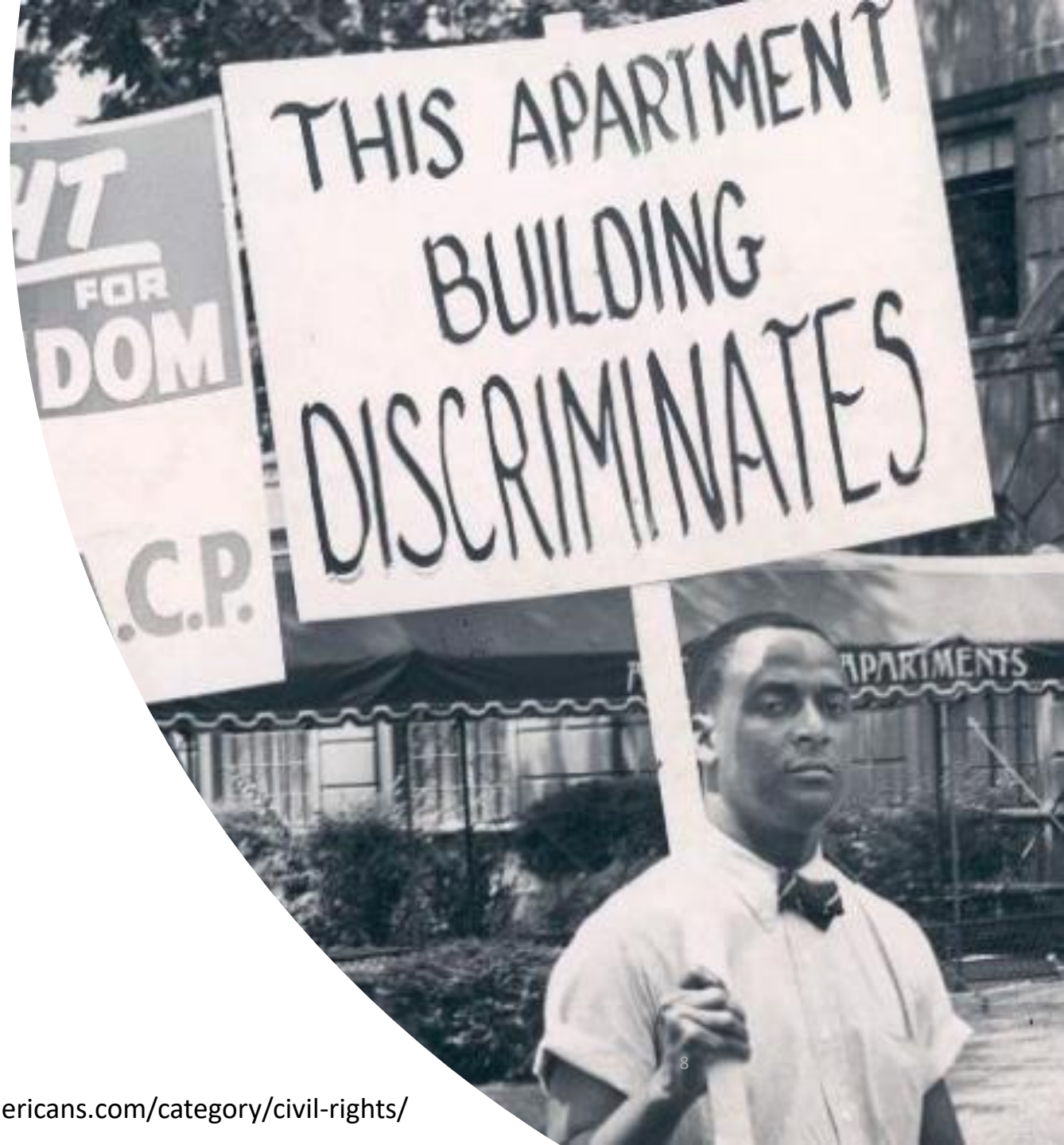


Photo source:

<http://www.theseamericans.com/category/civil-rights/>

The Fair Housing Act



Protected Classes

Federal	Illinois	Cook County	Chicago
<ul style="list-style-type: none">• Race• Color• Religion• Sex• National origin• Physical and mental disability• Familial status	<p><i>Federal plus:</i></p> <ul style="list-style-type: none">• Sexual Orientation• Ancestry• Age (40+)• Marital Status• Military Discharge Status• Order of Protection Status – new in 2010 – only Illinois	<p><i>Federal and State plus:</i></p> <ul style="list-style-type: none">• Source of Income (including HCV)• Housing Status• Gender Identity• Covered Criminal History	<p><i>Federal, State, and county plus:</i></p> <ul style="list-style-type: none">• Source of income (including Section 8)

When is a Discriminatory Act a Fair Housing Violation?

Follow this equation:

Protected Class + Prohibited Act
= Fair Housing Violation

Prohibited Acts

- Refusing to sell or rent a dwelling after the making of a bona fide offer
- Refusing to negotiate for the sale or rental of a dwelling
- Discriminating in the terms, conditions, or privileges of the sale or rental of a dwelling
- Discriminating in the services or facilities in connection with the sale or rental of a dwelling



Prohibited Acts Continued

- Making, printing, or publishing a notice, statement, or advertisement that indicates a preference, limitation or discrimination
- Discriminating in lending or appraisal
- Misrepresenting the availability of property
- Steering
- Refusing to allow reasonable accommodations or modifications for people with disabilities
- Retaliating against someone for exercising their fair housing rights





Housing Discrimination in Cook County Common Violations

Sexual harassment is against the law!

Not only does committing sexual harassment violate the Fair Housing Act, but it is also a criminal act.

It is illegal to . . .

- Ask a tenant to do anything sexual in lieu of paying rent, fees, or other costs associated with their housing
- Refuse to help a resident in the building who has/is experiencing sexual harassment
- Threaten to evict or call immigration, refuse to make repairs, or make other threats for a resident who has reported sexual harassment
- Make sexual comments or touching



Sexual
Harassment

Persons with Disabilities

A person has a “disability” if he or she:

- Has a physical or mental impairment
- OR a record of such impairment
- AND This impairment substantially limits one or more major life activities.



A Landlord Must...

- Allow reasonable accommodations in rules, policies, practices, or services
- Example: Allow a support animal in a building that does not allow pets.
 - Allow a person with a disability to make reasonable modifications to their unit and common areas
- Example: Installing a ramp, grab bars, removing a sink cabinet or enlarging a doorway.



Source of Income

- Source of Income means- legal, verifiable income. Some examples of income types are wages, Social Security, Supplemental Security, veteran's benefits etc.
- In Chicago and Cook County, HCV payments are included in Source of Income protection.

Source of Income Discrimination

“If you have a voucher, people treat you like you aren’t trying...there is a stigma attached to vouchers that you are going to be a bad neighbor or don’t have skills to be a good tenant, aren’t going to follow the rules. Landlords don’t want to rent or will discourage me from renting.”

“The owner said, you don’t look like section 8 people.”

“I was always told the unit would not pass inspection or the landlord don’t take section 8.”

Three Times the Rent

- Landlords can refuse to rent to a person who does not meet their income guidelines.
- For example: landlords can require that renters have a certain amount of income (such as two or three times the rent).

HOWEVER

- For HCV renters, landlords can only use a minimum income requirement that relates to the **tenant's portion** of the rent.

Who enforces Source of income protections?

- Fair Housing laws are enforced by public interest organizations, private attorneys, and government institutions.
- In the case of SOI provisions, the City of Chicago Commission on Human Relations (CCHR) and the Cook County Commission on Human Rights (CHR) enforce Fair Housing law.
- Complainants have 300 days to file a complaint with CCHR and 180 days with CHR.
 - In Cook County, outside of Chicago, localities may have their own administrative bodies for such complaints.



Important to Note



Housing providers are liable for actions of any agents (such as real estate professionals or management companies) and agents can be liable if they aid providers in discriminatory actions.



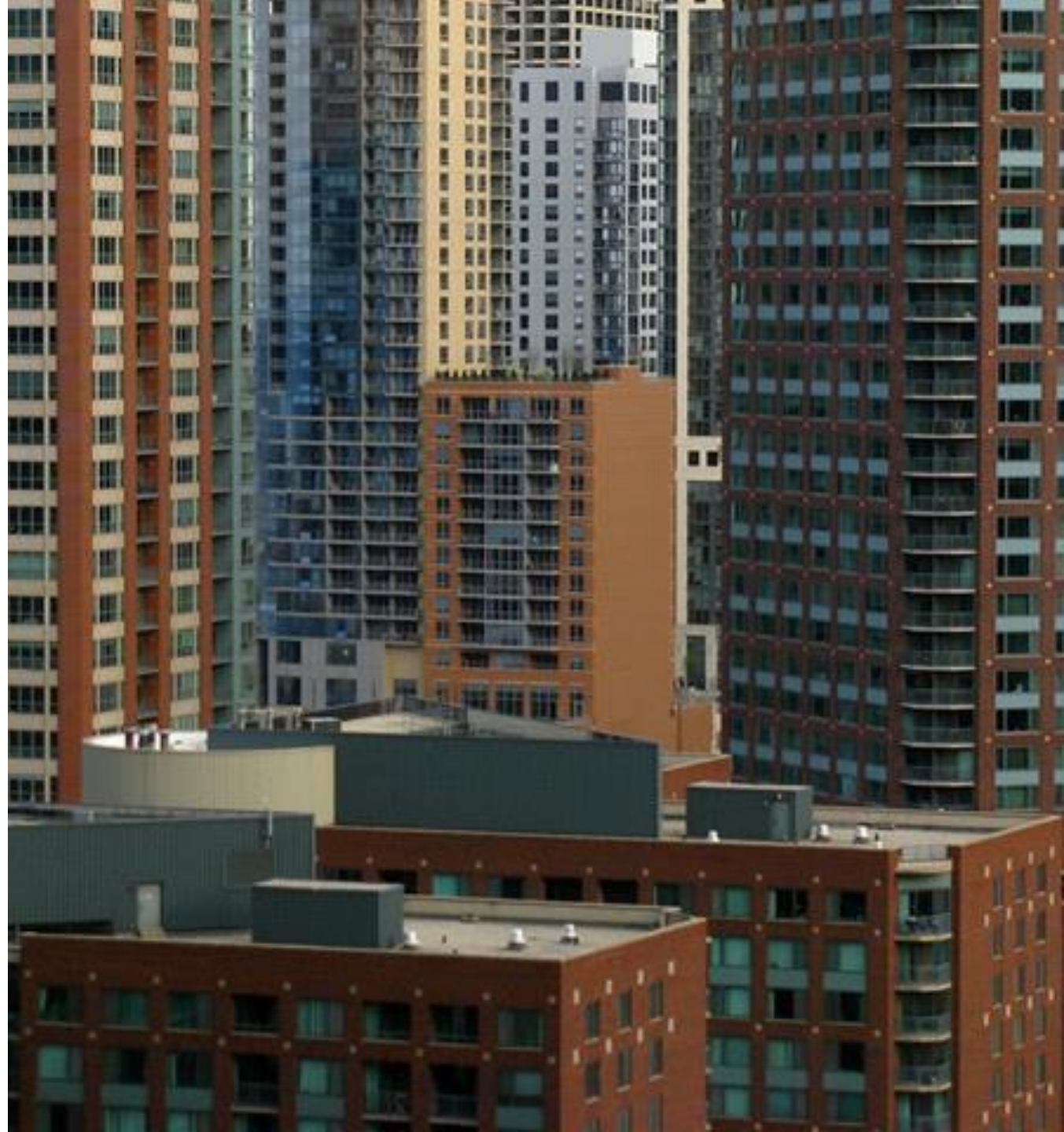
Ignorance of the law is no defense to a Fair Housing complaint.



Hiring a lawyer in a Fair Housing matter can cost from \$300/hour on the low end to \$500/ hour on the high end. Fair Housing cases may last years and may involve hundreds of hours of court appearances, discovery, and depositions.

Discussion question #1

You receive a call from someone inquiring about your available apartment. They inform you that they have a Housing Choice Voucher, and you tell them that the owner of the property is not currently “accepting inspections,” because they don’t want to deal with the hassle of the CHA. When they ask if that means they cannot see the unit, you apologize and wish them good luck in searching for an apartment. Have you discriminated, even though it isn’t your policy?



Discussion question #2

Part of your screening process requires that applicants can show they have 3 months rent in their bank account when they apply to the unit. When a prospective tenant tells you that they do not because they have a Housing Choice Voucher, you tell them that that unfortunately makes them ineligible for the unit. You have the same rules for everyone, and it isn't personal. Are you in compliance with Chicago Fair Housing Ordinance?





Benefits of Renting to Housing Choice Voucher Holders

Housing Provider Benefits

- “Recession Proof” Income
 - Housing Authority Payments are guaranteed every month.
- Incentive Payments
 - Lease ups may take longer than normal. CHA offsets this with a one-time incentive payment equal to one (1) month’s rent.
- CHA pays Fair Market rent amounts based on comparable units
 - For Example, in “Mobility Areas” CHA can pay up to*:

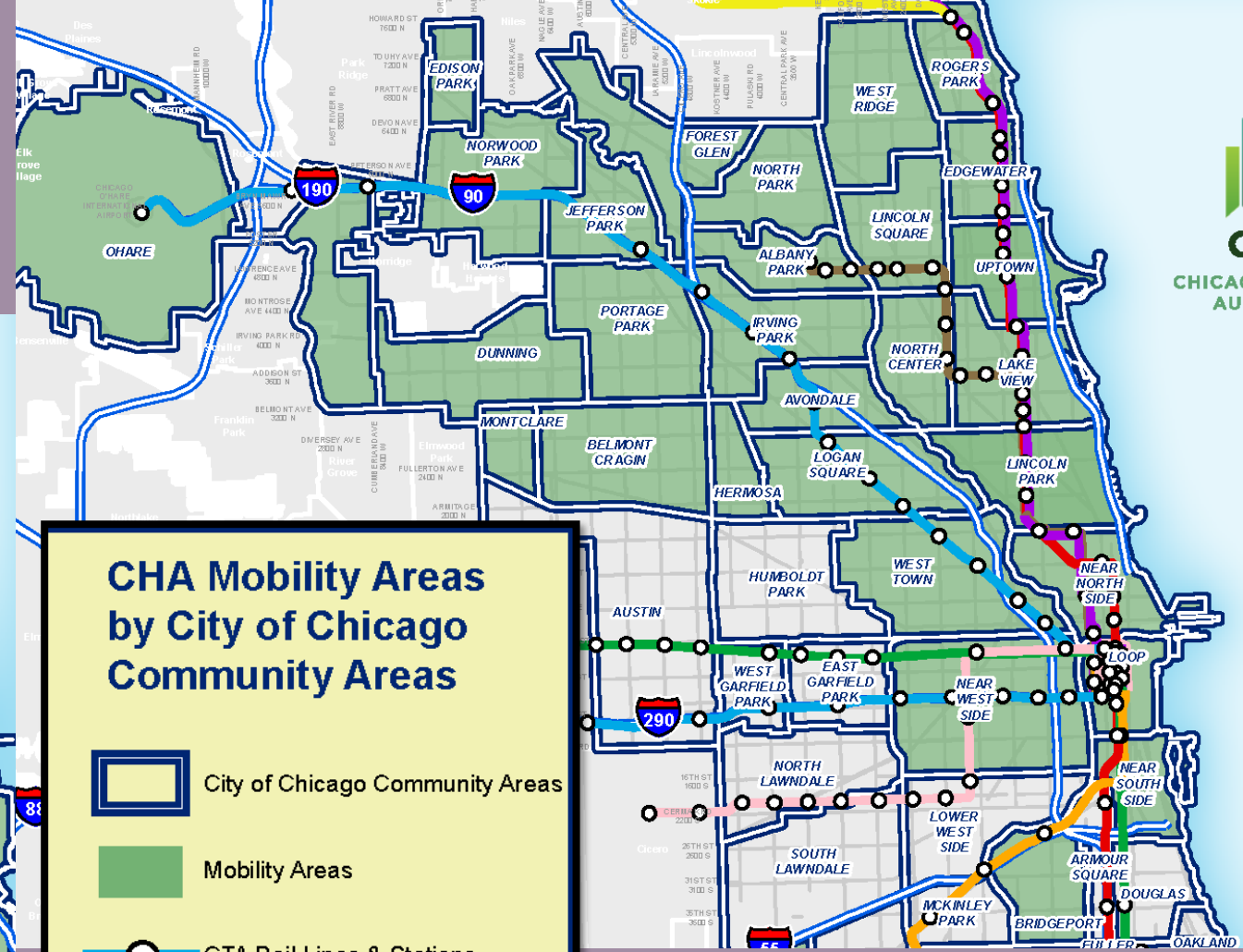
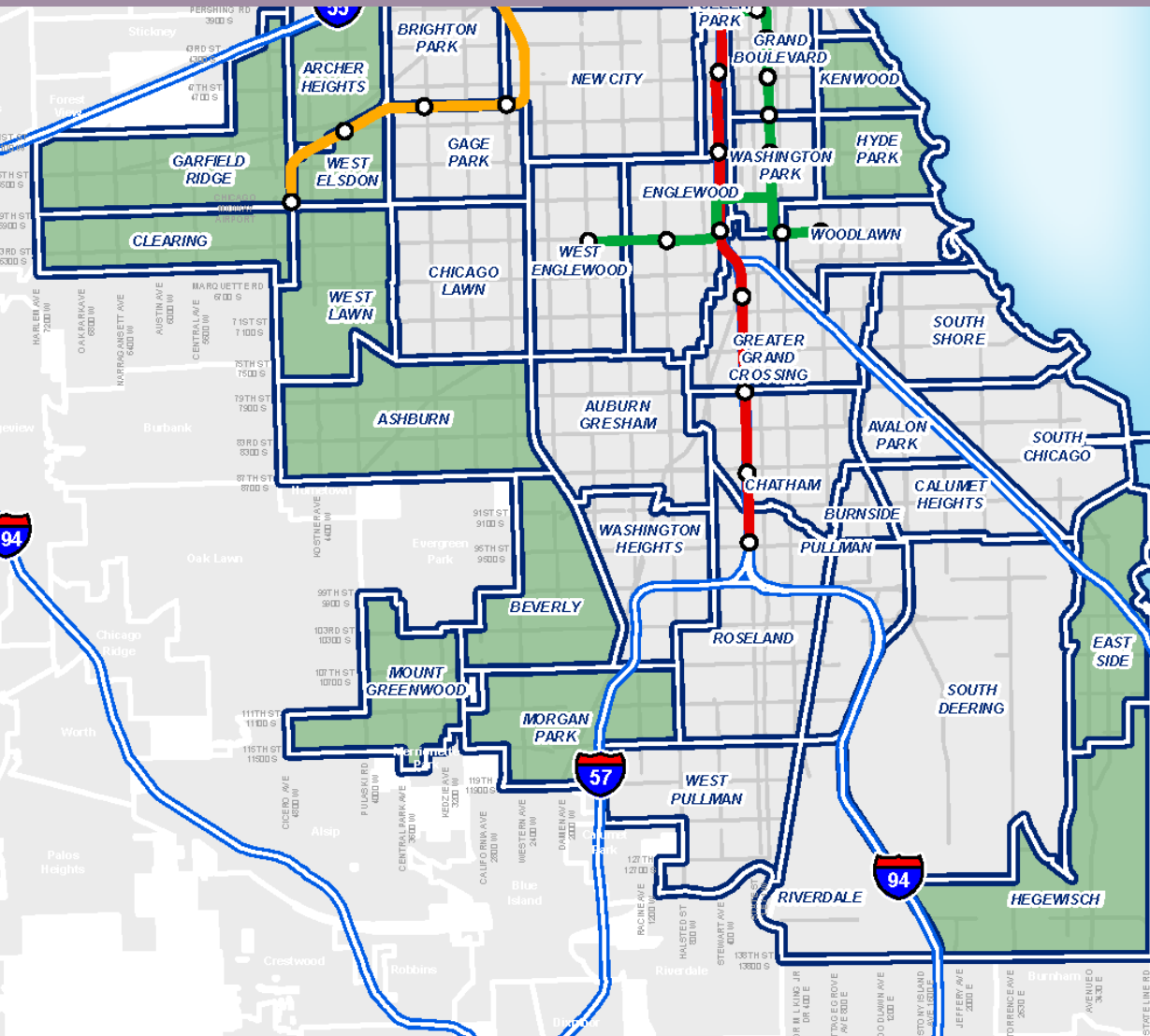
Studio → \$1,568	1-Bedroom → \$1,766
2-Bedroom → \$2,048	3-Bedroom → \$2,601

- Property Tax Incentives
 - Illinois property owners who rent to participants in voucher programs may be eligible for property tax savings up to 19% of a property’s Equalized Assessed Value (EAV)**

*These figure are based on CHA’s 2020 Exception Payment Standards

** To learn about tax savings eligibility requirements visit: <https://www.thecha.org/landlords/leasing-hcv>

CHA Mobility Areas



CHA Mobility Areas by City of Chicago Community Areas

- City of Chicago Community Areas
- Mobility Areas
- CTA Rail Lines & Stations
- Area Major Highways

Mobility Areas Definition:
 Community Areas with 20% or less poverty and less than median reported violent crimes (.67 per 100 community area residents), or areas with improving poverty and violent crime rates along with significant job opportunity clusters (over 200 jobs per census block).

Data collected in Fall of 2017



Partnering with HCP

If you would like to learn more about leasing units to voucher holders in “mobility areas” please contact:

Jessie McDaniels

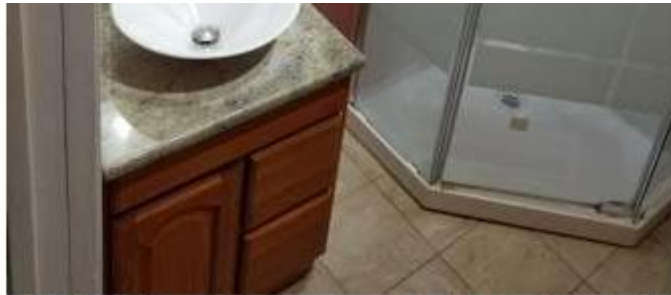
jmcdaniels@hcp-chicago.org

312-386-1009 x202

For additional information on leasing units in areas not designated as “mobility areas” please contact the CHA directly.

Just Housing Amendment to the Cook County Human Rights Ordinance

Discrimination is treating someone differently because of their record.



[\(google map\)](#)

2BR / 2Ba 1200ft² available jan 31

application fee details: **\$45 you pay...credit/background check**
<http://turbo.rent>

apartment

laundry on site

street parking



Available NOW!!! * 2 Bedroom... *2 full baths. * High ceilings. * Updated kitchen with granite countertops and bath. "Appliances included Fridge, stove, large deep freezer, Washer and dryer. *Central air... *Large front porch and back deck for those nice summer days and nights!! *Finish basement only accessible to 1st floor, makes great bonus/recreation room. MUST HAVE A 2 YR RENTAL HISTORY PROOF OF INCOME *NO FELONY, *NO EVCTIONS!!! NO EXCEPTION!!! *PETS CASE by CASE.... *\$500 move in fee *1 YEAR LEASE AGREEMENT. *Utilities included are GAS and Water. *Close to Transportation; Minutes away from California green line, Pete's fresh market and Eisenhower Expy....All around great location!!!

What does the new law mean to communities

“Our father committed a felony when he was 19 years old...when I told some of my friends...they were surprised because they don’t look at my amazing father that way.”

-Sophia, child of a returning citizen-

“I feel like if I have paid my debt to society, why do you keep holding it over my head? ...I’m back in the system, I can vote, I can work, I can do all those things but find a place to live.”

- Wanda, returning citizen –

“Keeping people with criminal records out doesn’t keep our communities safe. As landlords, we can help returning citizens come back to society.”

- Anne, landlord

What Does the Just Housing Amendment Do

Housing providers can no longer consider:

- Arrests, charges and citations
- Participation in diversion or deferral of judgment program
- Sealed/expunged records
- Juvenile records
- Convictions older than 3 years old – subject to exceptions*

Housing providers must conduct an individualized assessment for applicants with convictions that are less than 3 years old.

Just Housing Amendment

Screening Process

Step One: Prequalification

This step includes checking the applicant's credit history, income, landlord references, etc.

If the applicant passes pre-qualification, then the landlord moves on to Step Two.



Step Two: Background Check

This step screens **ONLY** the three (3) year conviction history of the applicant. Any convictions older than three (3) years **MAY NOT** be used to deny a housing application. If a conviction is found, the landlord must conduct an individualized assessment.

Based upon the individualized assessment, the landlord must notify the applicant of an approval or denial.



Step Three: Approval or Denial and Right to Dispute

If the applicant passes both checks, they will receive notification of approval. If they did not pass Step One or Step Two, the landlord may deny the application, and the applicant has the right to dispute the denial.

Step One: Prequalification

- First, the housing provider must **evaluate all eligibility criteria other than conviction history** (*e.g.*, income, landlord references).
- Housing providers cannot have a question on the application that asks whether an applicant has prior involvement with the criminal justice system.
- **Notice** to the applicant:
 - Prequalification stage is complete
 - Background check to be completed



Step Two: Background Check

The Amendment does not require landlords to run a background check.

- The housing provider can only screen the 3-year conviction history.
- Within **5 business days**, the housing provider gives a copy of the background check to the applicant
- Three ways to deliver copy of the background check
 1. In person
 2. By certified mail
 3. By electronic communication



Step Three: Approval or Denial and Right to Dispute

- Once the applicant receives the results of the background check, the applicant has **5 business days** to provide evidence that disputes the accuracy or relevance of information related to the background check.
- Disputing accuracy: Background checks may contain inaccurate information.
- Disputing relevancy: Primarily through evidence of rehabilitation
 - Court-issued good conduct certificates
 - Employer recommendations
 - Education or vocational training
 - Participating in programs that assist with the transition back to the community
 - Letters of recommendation from community organizations, counselors or case managers, teachers, community leaders, religious institutions or leaders, or parole/probation officers who have observed the individual since conviction.



Step Three: Approval or Denial and Right to Dispute

Individualized Assessment

- The housing provider considers all factors relevant to a person's conviction history (within the last 3 years) and whether that history negatively impacts the person's ability to fulfill the responsibilities of tenancy.
- Factors include:
 - Nature, severity and recency of underlying conduct
 - Nature of sentencing
 - Number of convictions
 - Length of time since last conviction
 - Age at time of conviction
 - Evidence of rehabilitation
 - Tenant history before and after conviction
 - Whether the conviction(s) was related to the applicant's **disability**
 - If the applicant is a person with a **disability**, whether any reasonable accommodation could be provided to lessen any demonstrable risk.



Step Three: Approval or Denial and Right to Dispute

- The landlord has **3 business days** from the receipt of the dispute information to accept or deny the application.
- Written Notice of Denial
 - Explains why denial is necessary to protect against demonstrable risk of harm to persons, property
 - Informs the applicant of their right to file a complaint with the Cook County Commission on Human Rights



Discussion Question 1:

Candace, her partner, and their 7-year-old son are looking for housing. Candace struggled with PTSD and drug dependency which led to her arrest and an eventual plea to possession of prescription painkillers in 2017. Since her conviction, Candace has worked with a therapist and completed an intensive substance abuse program. She has not used drugs for several years. Days after applying for an apartment, Candace's family was denied because of the landlord's zero-tolerance policy for drug-related convictions. JHA violation or no?

Discussion Question 2:

Tony is currently homeless and has been living on the streets since 2018. He has several arrests on his record spanning the last 2 years for offenses, such as loitering, disorderly conduct, and lying down in public. None of these arrests have resulted in a conviction. Tony also receives supportive services and has a case manager from the county health department. He applies for housing and receives a denial letter listing his past arrests. JHA violation or no?

Enforcement

Cook County Commission on Human Rights

<https://www.cookcountyil.gov/agency/commission-human-rights-0>

312-603-1100 (voice)

312-603-1101 (TDD)

We are here to help

- Coalition: justhousinginitiative.org, info@justhousinginitiative.org
- Gianna Baker, Co-Executive Director, Chicago Area Fair Housing Alliance, gbaker@cafha.net
- Tex Pasley, Attorney, Shriver Center on Poverty Law, texpasley@povertylaw.org

Q & A