



Presented By:

Chicago Area Fair Housing Alliance

Housing Choice Partners

Shriver Center on Poverty Law

# Cook County Fair Housing Laws



The contents of this workshop are NOT legal advice.

Cook County Fair Housing Laws



# Agenda

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- Benefits of Renting to Voucher Holders
- What is Fair Housing
- Voucher Discrimination
- Sexual Harassment & Domestic Violence
- People with Disabilities
- Just Housing Amendment
- Discussion



# 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\*:

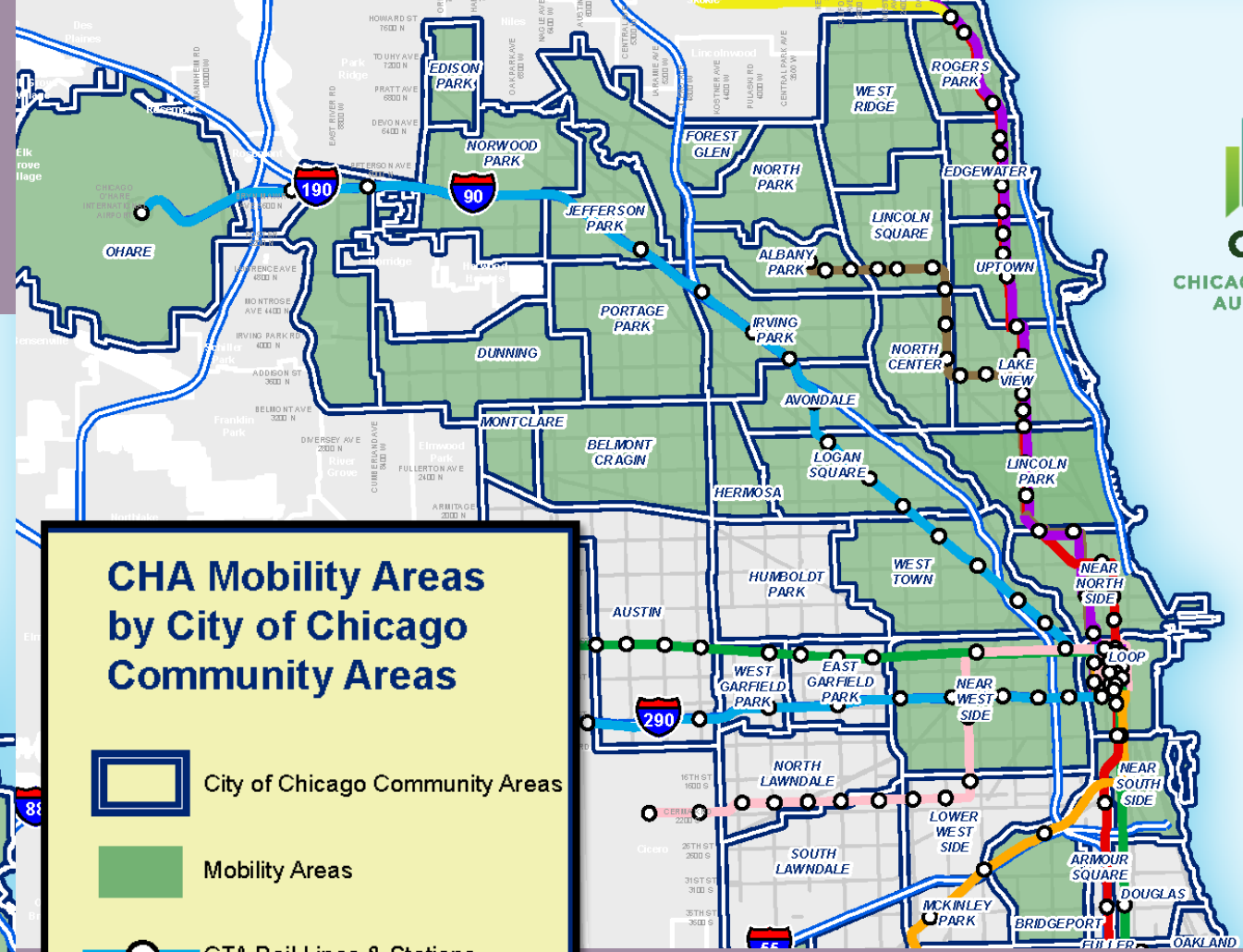
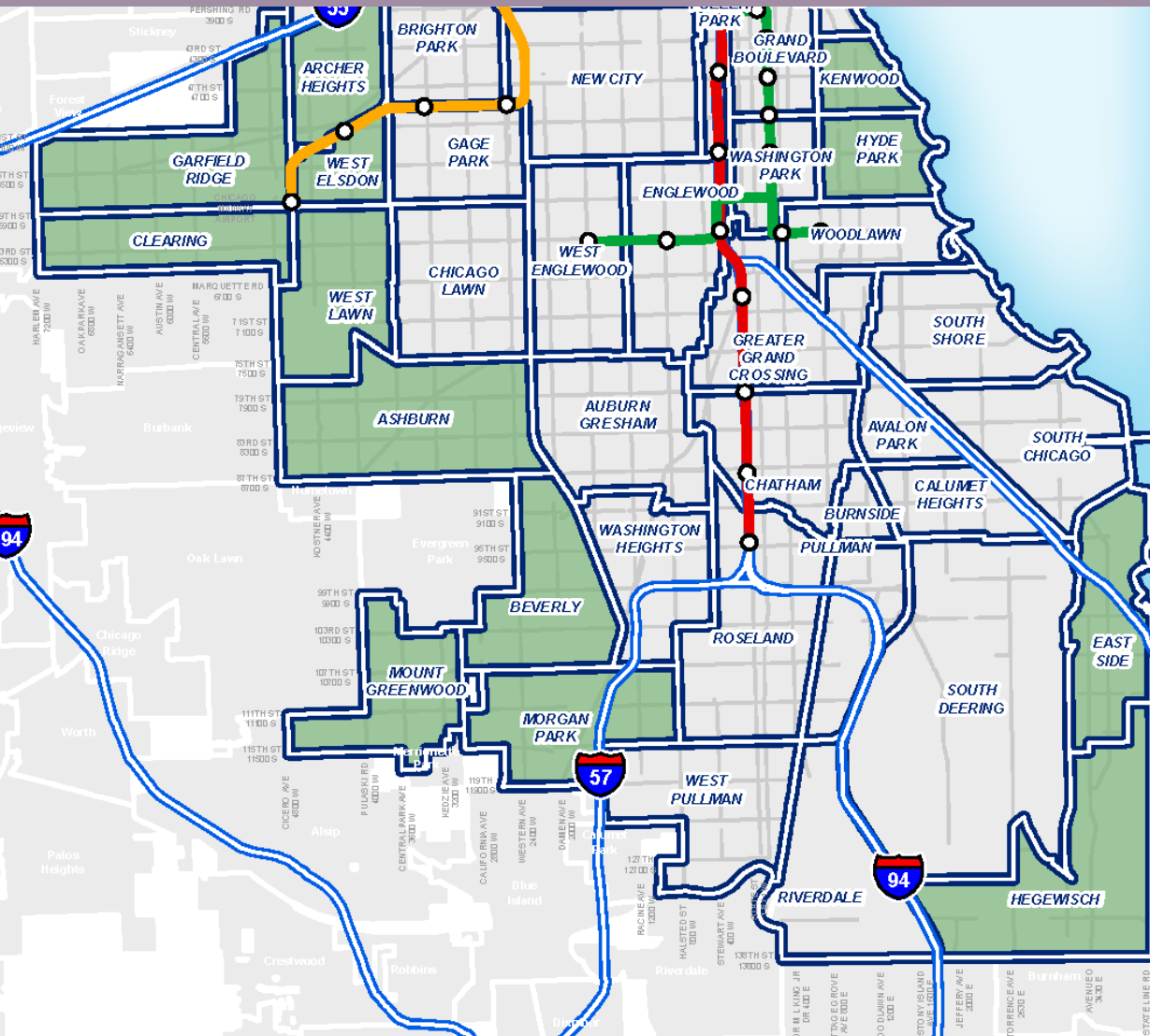
Studio → \$1,656	1-Bedroom → \$1,836
2-Bedroom → \$2,125	3-Bedroom → \$2,698

- 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 2021 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](mailto: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.

# 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

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# What is Fair Housing?

- a person's right to *choose where to live*, and *enjoy their home* free from discrimination
- Everyone should have equal access to housing
- Removes barriers that restrict access to opportunity
- Federal, state, county, and city laws protect a person's right to rent a home.

# What Is A Fair Housing Violation?

A Fair Housing violation occurs when a prohibited act is made against you because you belong to a protected class. Remember this simple equation:

**Protected Class + Prohibited Act = Violation**

# Protected Classes

The law says certain characteristics cannot be factored into a housing decision, and that a landlord, agent, or property manager, etc. can not discriminate against someone because of one of those characteristics, such as their race.

A "protected class" is a group of people who share those characteristics protected by law from discrimination.

Protected Class + Prohibited Act = Violation

# Protected Classes

## Federal Fair Housing Act – Protected Classes

- Race
- Color
- Religion
- Gender (incl. sexual harassment)
- National Origin (the country you or your ancestors came from)
- Disability
- Familial Status (children in household)

# Protected Classes

## Illinois Human Rights Act – Protected Classes

This includes all Federal protections, plus...

- Sexual Orientation
- Ancestry
- Age (40+)
- Marital Status
- Military/Veteran Status (incl. Unfavorable Discharge)
- Order of Protection Status
- Arrest Records

\*\*Also the state of Illinois has the Immigrant Tenant Protection Act

# Protected Classes

## Cook County Human Rights Ordinance – Protected Classes

This includes all Federal + State protections (except Order of Protection Status) plus...

- Source of Income (incl. Voucher)
- Gender Identity
- Housing Status (if you have been or are: homeless, a homeowner, or a renter)
- Covered Criminal History

# Protected Classes

## Chicago Fair Housing Ordinance – Protected Classes

This includes all Federal + State protections (except Order of Protection Status) plus...

- Source of Income (incl. Voucher)
- Gender Identity

\*The City does not have a protection for Housing Status or Covered Criminal History, you must file that complaint with the County.



# Are you in a protected class?

Yes.

We all are in multiple protected classes.

We all have fair housing rights.

# Prohibited Acts

Prohibited acts include any action, policy, or advertisement which discourages or prevents someone from accessing an available unit or enjoying the unit they occupy because they belong to a "protected class."

Protected Class + Prohibited Act = Violation

# Prohibited Acts Examples:

- Refusing to rent
- Lying about the availability of a unit
- Steering towards particular units, buildings, or communities
- Failure to make a Reasonable Accommodation/Modification

Protected Class + Prohibited Act = Violation

# Prohibited Acts Examples Cont'd:

- Interfering with the ability to enjoy or feel safe in a unit
- Making or publishing discriminatory statements
- Aiding and abetting
- Sexual Harassment
- Treating people differently by giving different lease terms, privileges, or services
- Retaliating against or intimidating a person for reporting discrimination

Protected Class + Prohibited Act = Violation

# Test our knowledge:

A couple and their two children view a 2 bedroom apartment on the 2<sup>nd</sup> floor of a large apartment building. The couple asks the landlord if the unit they were viewing was available. The landlord says, “no, not this unit. Children are only allowed in 1<sup>st</sup> floor units. I’m sorry, but we don’t have any 1<sup>st</sup> floor units available right now.”

Is this a fair housing violation?

This is illegal

# This is illegal

A couple and their two children view a 2 bedroom apartment on the 2<sup>nd</sup> floor of a large apartment building. The couple asks the landlord if the unit they were viewing was available. The landlord says, “no, not this unit. Children are only allowed in 1<sup>st</sup> floor units. I’m sorry, but we don’t have any 1<sup>st</sup> floor units available right now.”

**Protected Class** = Familial Status: “A couple and their two children”

**Prohibited Act #1** = Steering: “Children are only allowed in 1<sup>st</sup> floor units”

**Prohibited Act #2** = Denial: “We don’t have any 1<sup>st</sup> floor units available right now”  
[and your family is only allowed to rent a 1<sup>st</sup> floor unit]

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**Protected Class + Prohibited Act = Violation**





# Housing Discrimination in Cook County Common Violations

The background of the slide is a collage of various US dollar bills, including \$100, \$20, and \$50 denominations, arranged in a slightly overlapping and angled manner. The bills are semi-transparent, allowing the text to be clearly visible.

# Source of Income

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In Cook County it is illegal for a landlord, property manager, agent, or other housing provider to discriminate against you for having a legal source of income.

This includes the use of  
Vouchers.

“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.”

# Source of Income

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Even though it is illegal, discrimination against voucher holders is a common experience in Cook County.

A landlord. . .

- Says they don't take vouchers in their ad
- Says they don't work with housing authorities
- Doesn't do the voucher paperwork or schedule the inspection
- Charges a voucher holder different rent amount or extra fees

Source of  
Income

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Examples of  
Voucher  
Discrimination

A landlord. . .

- Won't make repairs or upgrades that other renters get
- Says the apartment is rented or not available (but it is a lie)
- Requires a voucher holder to have an income three times the total rent amount

Source of  
Income

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Examples of  
Voucher  
Discrimination

Landlords can deny an application if the applicant does not meet their income guidelines.

**HOWEVER**

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

Source of  
Income

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Understanding  
3x the Rent

## Example:

A tenant with a voucher finds a unit that costs \$1,000 a month. The tenant portion of the rent will be \$200 a month. The housing authority is going to cover the remaining rent.

How much can the landlord require the housing seeker to prove they earn, if they have an income requirement of 3x the rent?

Source of  
Income

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Understanding  
3x the Rent

**Answer:**

**A tenant with a voucher finds a unit that costs \$1,000 a month. The tenant portion of the rent will be \$200 a month. The housing authority is going to cover the remaining rent.**

**Then a landlord using an income requirement of 3x the rent can only require proof of **\$600** a month in income.**

**Source of  
Income**

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**Understanding  
3x the Rent**



A housing seeker finds the perfect apartment online. They call the listed number. A real estate agent answers the phone, they do not own the building, they were hired to find a renter.

The housing seeker tells the agent they have a voucher. The agent replies: “the owner of the property is not ‘accepting inspections,’ because they don’t want to deal with the housing authority.”

Did the agent discriminate even though it was the owners policy and not theirs?

# Source of Income

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# Test our Knowledge

# This is illegal

Even though the agent does not own the property, they enforced an illegal policy preventing all voucher holders from renting this unit.

Even if the agent lied, and the owner never told them they will not allow voucher-related inspections, the owner is also responsible because the agent works for them.

## Source of Income

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## Test our Knowledge

# 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 and the Cook County Commission on Human Rights enforce Fair Housing law.
- Complainants have 300 days to file a complaint with the City and 180 days with the County.



# Enforcement:

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**If you believe Source of Income discrimination has taken place you can contact one of the following government bodies to report it:**

## **Chicago Commission on Human Relations**

<https://www.chicago.gov/city/en/depts/cchr.html>

Phone: 312-744-4111

TTY: 312-744-1088

## **Cook County Commission on Human Rights**

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

312-603-1100 (voice)

312-603-1101 (TDD)

# Sexual harassment violates the Fair Housing Act

It is illegal for a landlord, property manager, agent, or other housing provider to. . .

- Ask for anything sexual instead of paying rent, fees, or other costs associated with your housing
- Refuse to help a tenant if they report sexual harassment
- Threaten a tenant for reporting sexual harassment. For example- saying they will evict or call immigration if a tenant reports sexual harassment
- Demand sexual acts in return for repairs or maintenance
- Make sexual comments or touches a tenant inappropriately
- Create a hostile environment

Housing Providers have a duty to ensure that Employees do not engage in sexual harassment.



Sexual  
Harassment

# Domestic Violence

## Protections for Subsidized Renters

Subsidized renters, including Housing Choice Voucher Holders, and residents of Public Housing have additional protections related to Domestic Violence.

A housing provider can not discriminate against a tenant who is experiencing or has experienced domestic violence. Housing providers also can not:

- Deny a rental unit because of domestic violence, sexual assault, or stalking.
- Evict or cause a tenant to lose a voucher because that tenant has been a victim of domestic violence.

# Domestic Violence

## Protections for Subsidized Renters

A tenant cannot be denied or lose their voucher or apartment for reasons related to domestic violence.

This includes if they are arrested, hospitalized, or have bad credit as a result of domestic violence.

# People with Disabilities

You have a “disability” if:

- You have a physical or mental impairment
- OR a record of such impairment
- AND this impairment substantially limits one or more major life activity.

Fair housing laws require landlords, property managers, agents, and other housing providers, including **housing authorities** to make or allow changes that accommodate a disability.



# People with Disabilities

Reasonable Accommodation: A change to rules, policies, practices, or services.

Reasonable Modification: Physical change to a unit or common area that will make a space safe and accessible to a person with a disability. Often you are required to pay for the modification, not the landlord. And the landlord can require certain specifications, including requiring a licensed contractor for installation.

# People with Disabilities

A woman with a psychiatric disability has been living in her unit for a several years. Because of her disability, at times, she is easily agitated and reacts aggressively to events perceived as negative. Every couple months, she storms into the management office to complain about the cleanliness of the building, security, cable service, needed building improvements, and/or certain neighbors.

She often demands immediately to see the property manager, and yells objections if the property manager is not available. When she meets with the property manager, she threatens to sue her if the problem is not fixed right away and complains bitterly about how she is treated by management. Three or four times per year other residents complain that this person has yelled at them.

Should management evict this person?

# People with Disabilities

## How do Reasonable Accommodations & Reasonable Modifications Work?

- A tenant will request a reasonable accommodation or modification.
  - A tenant can request a reasonable accommodation for a service animal after bringing the animal to the property.
- 
- A housing provider may ask for documentation from a third-party that verifies the need for the requested modification or accommodation.
  - Third-party verification should not be necessary if a disability and the benefit of the request is obvious (e.g. you use a wheelchair and request a reserved parking space).

# People with Disabilities

A Landlord must make changes or let the tenant make changes that are reasonable to support and accommodate a disability.

## Change

A landlord might have to change their rules.



## Examples

Allow a service or support animal even if pets are not usually allowed



Allow a reserved parking space for someone with a disability



A housing authority might have to change their rules.



Allow for an increased or "exception payment standard" to afford a unit that is wheelchair accessible.



Allow for an extra bedroom for a live-in aid.



A landlord might have to allow changes to your apartment.



Allow you to install a ramp, grab bars, or a lift.



# Just Housing Amendment to the Cook County Human Rights Ordinance

Discrimination is treating someone differently because of their record.



[\(google map\)](#)

2BR / 2Ba 1200ft<sup>2</sup> 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?

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“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?

## Landlords can't 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\*

Landlords can consider conviction records from the last three years, but only after giving applicants an opportunity to discuss their record and share more information.

# Important, but limited exceptions

1. Exceptions in federally subsidized housing:
  - Current use of illegal drugs
  - Individuals who were evicted from subsidized housing in prior 3 years for drug-related illegal activity
  - Manufacturing methamphetamine in federally subsidized housing
  - Lifetime requirement to register for past sex offenses
2. People who are currently required to register for past sex offenses
3. People who are currently subject to a residency restriction for past sex offenses

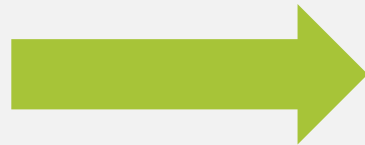


# Tenant Screening Process

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## Step 1 Prequalification

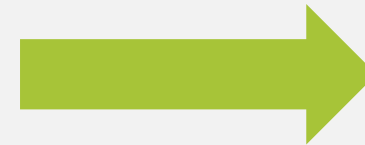
This step can include a landlord checking credit history, income, landlord references, etc.



If the application passes prequalification, then the landlord moves on to Step 2.

## Step 2 Background Check

This step screens for a 3-year conviction history. **Convictions older than 3 years MAY NOT be used to deny an 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 3 Approval or Denial and Right to Dispute

If the application passes both Steps, the landlord should notify the applicant of approval. If the application did not pass Step 1 or Step 2, the applicant may be denied. BUT they do have the right to dispute the denial.

# Step 1: Prequalification Stage



- First, landlords must consider other factors, such as the applicant's ability to pay rent. They can consider typical qualifications, such as credit history, income requirements, or landlord references.
- Landlords can't ask about the applicant's prior justice involvement on a housing application.
- Notice to the applicant:
  - Prequalification stage is complete
  - Background check to be completed

## Step 2: Background Check



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

- Landlords can only consider convictions from the last 3 years.
- The landlord must deliver a copy of the background check to the applicant within **5 business days** of receiving it. Three ways to deliver copy of the background check
  1. In person
  2. By certified mail
  3. By electronic communication

# Step 3: Approval, Denial and Right to Dispute



- After receiving a copy of the background check, the applicant has **5 business days** to provide evidence that disputes the accuracy and relevance of the 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, faith leaders, or parole/probation officers

# Step 3: Approval, Denial and Right to Dispute



Landlords have to consider **all factors** relevant to the applicant's conviction history (within 3 years) and whether that history negatively impacts their ability to be a good tenant.

- Factors include:
  - Nature and severity of the conviction
  - Number of convictions
  - How much time has passed since the last conviction
  - Age at time of conviction
  - Evidence of rehabilitation
  - Tenant history before and after conviction
  - Whether the conviction(s) was related to a **disability**
  - If you have a **disability**, whether a reasonable accommodation could be provided

## Step 3: Approval, Denial and Right to Dispute



- After the applicant provides additional information, the landlord has **3 business days** to accept or deny the application.
- **Written Notice of Denial:**
  - Explains why denying the application is necessary to protect the personal safety and property of others.
  - Informs the applicant of their right to file a complaint with the Cook County Commission on Human Rights

# Discussion Question 1:

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Candace, her partner, and their 7-year-old son are looking for housing. Candace struggled with Post Traumatic Stress Disorder and drug dependency which led to her arrest and an eventual plea to possession of prescription painkillers in 2018. 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:

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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:

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## **Cook County Commission on Human Rights**

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

312-603-1100 (voice)

312-603-1101 (TDD)

# For More Information

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- Michael Chavarria, Housing Choice Partners, [mchavarria@hcp-chicago.org](mailto:mchavarria@hcp-chicago.org)
- Gianna Baker, Chicago Area Fair Housing Alliance, [gbaker@cafha.net](mailto:gbaker@cafha.net)
- Tex Pasley, Shriver Center on Poverty Law, [texpasley@povertylaw.org](mailto:texpasley@povertylaw.org)

# Q & A

**The information provided is not legal advice.**