

2021

Cook County Commission on Human Rights

10/27/21 - Community Investment Corporation



Sisavanh Baker

Director, Cook County Commission on Human Rights

Who We Are



The Cook County Commission on Human Rights is the County enforcement agency for several ordinances that protect people who live or work in Cook County from discrimination and harassment.

Sisavanh Baker, Director

Julia Epplin-Zapf, Outreach and Training Coordinator

What We Will Cover



- Why did the Cook County Board of Commissioners pass the Just Housing Amendment (JHA) to the Human Rights Ordinance?
- What is an individualized assessment?
- When did the JHA go into effect?
- Other questions that are frequently asked by landlords

Our Mission



The mission of the Cook County Commission on Human Rights is two-fold:

- (1) To protect people who live or work in Cook County from discrimination and harassment in the areas of employment, housing, public accommodations, credit transactions, and access to Cook County facilities, services and programs, and;
- (2) To ensure that those who work in, or for the benefit of, Cook County are paid an appropriate wage for their labors and receive appropriate benefits.

Our Work



Enforce the County's anti-discrimination law:
Human Rights Ordinance

Enforce several wage and benefits laws:
Minimum Wage Ordinance

Earned Sick Leave Ordinance

Living Wage Ordinance

**COVID-19 Vaccination Rights for Employees
and Employer Obligations Ordinance**

Human Rights Ordinance



Protects against discrimination and harassment in a variety of contexts, including employment, public accommodations, housing, and County programs.

The ordinance also provides protection against retaliation for making a discrimination or harassment complaint and provides additional protections against some forms of employment discrimination.

Human Rights Ordinance



Protects persons in Cook County from discrimination and harassment on a variety of bases, including:

- race,
- color,
- sex,
- age,
- religion,
- disability,
- national origin,
- ancestry,
- sexual orientation,
- marital status,
- parental status,
- military discharge status,
- source of income,
- covered criminal history,
- housing status, or
- gender identity.

Wage & Benefit Laws



- Minimum Wage Ordinance
 - As of July 1: County Minimum Wage is \$13 per hour, and the base wage for tipped employees is \$6.60 per hour.
- Earned Sick Leave Ordinance
 - Employers are required to provide at least 1 hour sick leave for every 40 hours worked.
- Living Wage Ordinance*
 - The living wage is \$12.74 for employers who provide health benefits to an employee where the employee's health benefit contribution does not exceed 25% of the cost of the health benefit premium. Otherwise, the living wage is \$15.93 per hour.

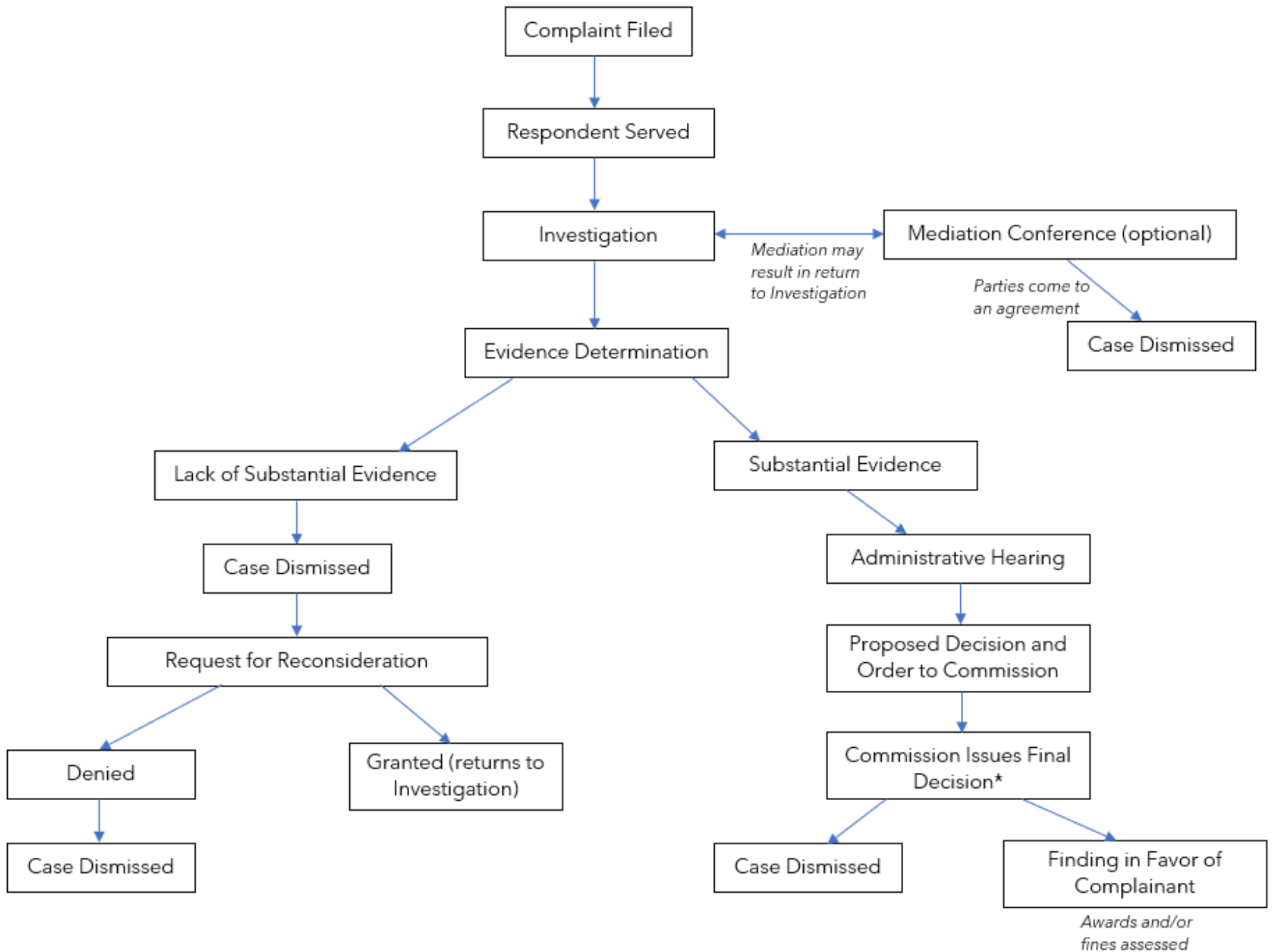
*This applies to all employees who contract with Cook County government to provide labor or who operate on property in Cook County that receives a Class 6B, Class 8 or Class 9 property tax incentive.

So, what do we do?



- Receive and investigate complaints
- Mediate disputes and conduct hearings
- Make amendments and improve policy
- Outreach





*Parties can request reconsideration of a decision.

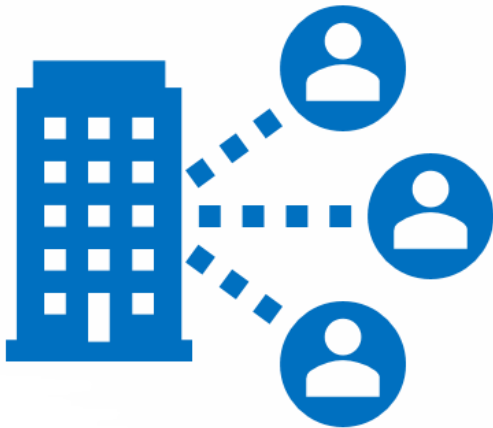
Fair Housing and the Human Rights Ordinance



Fair Housing and Violations



- Fair housing is the right to choose housing free from unlawful discrimination.
- Violations occur when prohibited acts are made against a person because they belong to a protected class.



Common Violations in Cook County



- Discrimination against Housing Choice Voucher holders
- Failure to provide reasonable accommodations
- Sexual harassment
- Discrimination against people with arrest or conviction records

Source: Housing Choice Partners - Fair Housing Resources for Landlords / Housing Providers (<https://www.housingchoicepartners.org/fair-housing-for-landlords>)

Examples of Potential Violations



- “Income three times the rent”
- Varying rent or fees based on source of income
- In advertisements:
 - “No vouchers”
 - “No Section 8”
 - “No felonies”



Examples of Potential Violations (cont.)



- Making inappropriate or sexual comments
- Not allowing service animals
- Rejecting an applicant based on criminal history that occurred more than 3 years ago

Just Housing Amendment to the Human Rights Ordinance



Background



- Went into effect January 1, 2020, with delayed enforcement until February 1, 2020.
- In most cities, people with any kind of criminal record, even just an arrest, can be unfairly denied housing. The JHA was passed to help these individuals access safe, stable and affordable housing.
- Applies to real estate transactions, which include the sale, rental, lease, and sublease renewal of residential properties.

Background (cont.)



- The Just Housing Amendment (JHA):
 - 1) prohibits landlords from denying a housing application based on juvenile or adult arrest records; and
 - 2) requires landlords to perform an individualized assessment prior to denying any application for housing.
- A landlord cannot consider criminal history that is more than three (3) years old, and a landlord must conduct an individualized assessment of any criminal history that is less than three (3) years old.

Frequent Questions



- Can having a criminal background result in automatic denial of a housing application?
 - No. A landlord cannot consider criminal history that is more than three (3) years old, and a landlord must conduct an individualized assessment of any criminal history that is less than three (3) years old.



Frequent Questions (cont.)



- If an applicant was arrested but not convicted in the past three (3) years, can the arrest be a basis for denying the housing application?
 - No. Arrests and convictions are very different. An arrest without a conviction cannot be considered when evaluating rental applications.



Frequent Questions (cont.)



- What are the new and/or different requirements for processing housing applications?
 - Landlords can **no longer include a check box** on housing applications that asks whether an applicant has a criminal background.
 - Before accepting an application fee, a landlord or landlord must provide the following information:
 - **Tenant Selection Criteria**, which describes how an applicant will be evaluated.
 - **Notice of the applicant's right to dispute inaccuracies** relevant to criminal history and to provide evidence of rehabilitation or other mitigating factors related to their criminal background.
 - **A copy of the JHA** or a link to the Cook County Commission on Human Rights website.

Just Housing Amendment

Screening Process



Step One: Prequalification

This step includes checking the applicant's credit history, employment, income, payment delinquencies, bankruptcies, etc.

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



Step Two: Criminal Background Check

This step screens **ONLY** the three (3) year criminal 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.

Just Housing Amendment Individualized Assessment Tool



The individualized assessment is an evaluation tool to use after the landlord has completed a criminal background check. This tool will help determine if criminal history within the three (3) year lookback period negatively impacts the applicant's ability to fulfill the responsibilities of tenancy. This questionnaire is not an all-inclusive instrument and should not be taken as such.

All answers to questions within an individualized assessment should be documented for possible future reference.

- ▶ What is the nature, severity and recency of conduct to the criminal history?
- ▶ What is the nature of the individual's sentencing?
- ▶ What is the number of convictions for the individual?
- ▶ What length of time has passed following the individual's most recent conviction?
- ▶ What age was the individual at the time of the most recent conviction?
- ▶ Has the applicant offered evidence of rehabilitation?
- ▶ What was the individual's tenant history before and/or after the conviction?
- ▶ Was the criminal conviction(s) related to or a product of the applicant's disability?
- ▶ Are there any other additional relevant factors that I should consider?

What can you do?



- Not only comply with, but be an ambassador for Cook County's housing protections
 - Uphold high standards for not contributing to discriminatory practices
 - Be thoughtful and considerate in leasing and selling to individuals within protected classes
 - Share this information with others; a big cause of noncompliance is lack of awareness
 - Call out or report bad behavior when you see it (e.g., if you see a discriminatory listing, report it to us)



Who can you contact?



- Please email or call the Commission on Human Rights with any questions or concerns.
 - Email: human.rights@cookcountyil.gov
 - Phone: 312-603-1100
- Learn more on our website:
<https://bit.ly/HRCommission>
 - And more specifically about the Just Housing Amendment:
<https://bit.ly/JustHousingAmendment>
- Follow us on social media:
 - Facebook: [Cook County Commission on Human Rights](#)
 - Twitter: [@CookCtyHumanRts](#)