



Fair Housing for Landlords

City of Joliet

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Illinois Department of Human Rights (IDHR)

Mission: to secure for all individuals within the State of Illinois, freedom from unlawful discrimination and to establish and promote equal opportunity and affirmative action as the policy of this state for all its residents.

Programs:

- ❑ Institute for Training and Development
- ❑ Affirmative action compliance program
- ❑ Public contractor program
- ❑ Interagency Committee on Employees with Disabilities
- ❑ Education and outreach
- ❑ Charge investigation

Charge Investigation Covers:

- Employment
- Real estate transactions
- Financial credit
- Public accommodations
- Sexual harassment in education

What is Fair Housing?

The right for **all** people to live wherever they choose, to have access to housing (seek, purchase, sell, lease or rent) and enjoy the full use of their homes without unlawful discrimination, interference, coercion, threats, or intimidation by owners, landlords or real estate agents or any other persons.



History of Fair Housing

- ❑ Civil Rights Act of 1866: RACE or COLOR (state, local and private sectors)
- ❑ Civil Rights Act of 1964 Title VI: RACE or COLOR (federally assisted programs)
- ❑ Civil Rights Act of 1968 Title VIII (Fair Housing Act): **RACE, COLOR, NATIONAL ORIGIN, and RELIGION**
- ❑ Fair Housing Act & Amendments
 - ❑ 1974: **SEX** 1988: **FAMILIAL DISABILITY**; enforcement provisions strengthened



State Fair Housing Law

Illinois Human Rights Act – besides the 7 covered by federal law:

- Retaliation
- Age (40 and over)
- Unfavorable discharge from military service
- Military status (includes reservists)
- Marital status
- Sexual orientation (1/1/2006)
- Gender-related identity (1/1/2006)
- Order of protection status (1/1/2010)

Other Fair Housing Laws

- ❑ Cook County housing ordinance also covers
 - ❑ Housing status (e.g., homeless)
 - ❑ Source of income (excl. housing choice vouchers)
- ❑ Local ordinances may cover additional bases (e.g. City of Chicago includes housing choice vouchers)

Facts

- ❑ Nationwide, 10,000+ charges filed yearly
- ❑ Most common allegation: discrimination in the terms and conditions of sales or rentals
- ❑ Housing discrimination is perpetuated by other elements such as segregation, predatory lending, and gentrification
- ❑ Federal fair housing law requires entities receiving federal funds (e.g. municipalities) to “affirmatively further fair housing” and promote integration

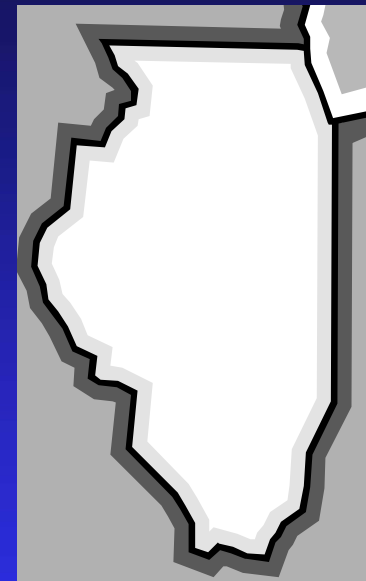
How to Protect Yourself

- ❑ Learn about fair housing laws
- ❑ Train staff/agents and ensure they follow fair housing laws
- ❑ Challenge stereotypes (attend diversity training)
- ❑ Apply policies/practices consistently

Reported Housing Discrimination

IDHR Housing Charges FY2011:

Inquiries.....	969
Charges Filed... ..	366
Completed Investigations.....	380
Bases of Discrimination:	
Race.....	41%
Physical/Mental Disability	40%
National Origin/Ancstry.....	14%
Familial Status.....	11%
Sex.....	11%
Retaliation.....	4%
Sexual Orientation/Gender Identity...	2%



Note: many charges were filed under more than one basis

Definition:

Sexual Orientation

- Sexual Orientation - actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth

Definition:

Order of Protection Status

- Order of Protection Status - means “a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state.”
- Order of protection status cannot be used as the basis for denying a rental application, evicting, etc.

Definition: Disability

- ❑ Federal law (ADAA of 2008): Impairment that substantially limits a major life activity (e.g. breathing, walking, working)
- ❑ State law: Determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth or functional disorder, that is unrelated to the person's ability to acquire, rent or maintain a housing accommodation

Definition:

Familial Status

- ❑ Families with children under the age of 18
- ❑ Women who are pregnant
- ❑ Persons in the process of adopting children or obtaining legal custody of minors



Reasonable Occupancy Standards (ROS)

Reasonableness factors:

- ❑ Bedroom and unit size/configuration;
- ❑ Other physical limitations of the property;
- ❑ Age of the children;
- ❑ State and local laws;
- ❑ Other factors (i.e. discriminatory statements, rules, etc.)



Who Is Bound by the Fair Housing Laws?

Any person engaging in a real estate transaction:

- ❑ Landlords and property owners
- ❑ Property management companies
- ❑ Condominium/housing associations
- ❑ Real estate brokers, salespersons, appraisers
- ❑ Agents of all the above

And...

- ❑ Lending institutions and their agents
- ❑ Building developers and architects and their agents
- ❑ Insurance companies
- ❑ Newspapers
- ❑ Municipalities

What is Covered?

Both residential and commercial transactions are covered:

- ❑ State law covers all real property for sale, exchange, rental or lease
- ❑ For purposes of appraisals and loans, only residential property is covered.

Discrimination in Sales and Rental Real Estate Transactions:

Examples of unlawful discrimination (if based on a protected class):

- ❑ Steering
- ❑ Discouraging
- ❑ Exaggerating drawbacks, not mentioning positives
- ❑ Communicating incompatibility
- ❑ Segregating
- ❑ Misrepresenting availability

Discrimination in Rental Terms, Conditions, or Privileges:

Examples of unlawful discrimination (if based on a protected class):

- ❑ Higher rent amounts, security deposits
- ❑ Differential treatment (repairs, lease violation notices)
- ❑ Sexual harassment, harassment
- ❑ Allowing tenant-on-tenant harassment

Discrimination in Advertising

- ❑ Printing, circulating, posting, mailing, or publishing a written or oral statement, advertisement or sign (indicating an intent to discriminate on a prohibited basis);

Applies to:

- ❑ Landlords, home sellers, housing providers, realtors, lenders
- ❑ Ad agencies, publishers, newspapers, directories, multiple listing services

Advertising the Property – what message are you sending?

- ❑ Describe the apartment and neighborhood in neutral language
- ❑ Detail the application procedures
- ❑ Give the address/nearest intersection
- ❑ Use diverse models (race, family type, disability)
- ❑ Describe the property, not your idea of who would want to live there.

Requirements for Persons with Disabilities

- Housing providers must make reasonable accommodations or modifications for persons with disabilities in rules, policies, practices, and services

Reasonable ACCOMMODATIONS for Persons with Disabilities

Examples of what the law requires if needed by a person with a disability:

- ❑ Change in parking rule;
- ❑ Reserved accessible parking space;
- ❑ Different way to get mail or pay rent;
- ❑ Change in due date for rent; and...

Exceptions to “No Pet” Policies for a Guide, Hearing or Support Dog

- ❑ Cannot refuse to rent or discriminate in terms, conditions or privileges if a person with a disability needs a dog
- ❑ Cannot charge a pet deposit
- ❑ May charge for actual damages
- ❑ Cannot require training or certification for the animal

Reasonable MODIFICATIONS for Persons with Disabilities

- ❑ If necessary to afford such person full enjoyment of the premises
- ❑ At the expense of the tenant
- ❑ Landlord may require the tenant to pay into an escrow account

Examples of Reasonable Modifications for Persons with Disabilities

- ❑ Adding support bars to bathroom
- ❑ Removing doors
- ❑ Changing sink to accommodate a wheelchair
- ❑ Adding an exterior ramp

“Mrs. Murphy” Exemption for Small Buildings

- ❑ The rental of an apartment in a building with four units or less if the owner lives in one of the units
- ❑ Exemption does not apply to discriminatory statements
- ❑ Some local ordinances cover all dwellings (e.g. Cook County, City of Chicago)

Housing for Older Persons – Familial Status Exemption

- ❑ Private multi-family buildings run as “senior housing” - if all residents are 62 or older;
- ❑ OR where 80% of units have someone in the household age 55 or older AND
 - ❑ Policies/procedures demonstrate an intent to maintain a facility for 55 and older.
- ❑ EXEMPTION DOES NOT APPLY to HUD-insured or HUD-subsidized buildings, or to Housing Authorities if the household is otherwise qualified (age, income, unit size)

Evidence of Discrimination

- ❑ Signs or ads
- ❑ Statements
- ❑ Disparate treatment
- ❑ Testing evidence
- ❑ Documents
- ❑ Witness testimony

Defenses

- ❑ Legitimate non-discriminatory reason
- ❑ Favorable treatment of others in the protected class
- ❑ Reasonable local, state, or federal occupancy standards
- ❑ Exempt

Remedies and Damages

- ❑ Injunctive and equitable relief
- ❑ Money for actual damages such as higher rent costs, emotional damages
- ❑ Civil penalties (up to \$10,000 for 1st offense)
- ❑ Attorneys fees and costs
- ❑ Federal court and some local ordinances allow for punitive damages (e.g. Cook County, City of Chicago)

Tips for Housing Providers

- ❑ Tell the truth
- ❑ Keep good records—document actions
- ❑ Have stated policies and practices and follow them consistently
- ❑ Document reasons for deviations from policies