

Fair Housing for Landlords and Property Managers

Joliet Landlord Conference



State of Illinois
Department of Human Rights

Disclaimer

This presentation is intended for educational and informational purposes only, and is not to be considered as legal advice.

Topics

- Fair Housing Laws
- Advertising
- Disability Issues
- Penalties
- Scenarios

What is Fair Housing?

Fair Housing is for
Everyone!



What is Unlawful Housing Discrimination?

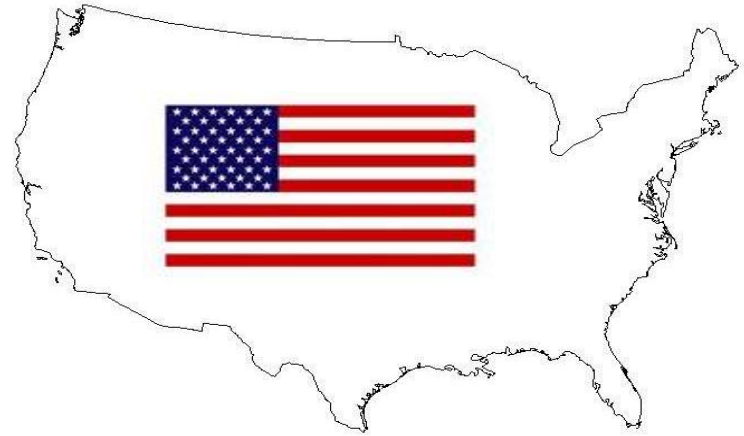
Requires:

Covered Harm + Protected Class

Federal Fair Housing Law

7 Protected Classes:

- ❑ Race
- ❑ Color
- ❑ Religion
- ❑ National Origin
- ❑ Sex (incl. sexual harassment)
- ❑ Familial Status
- ❑ Disability (mental and physical)



State Fair Housing Law

8 Additional Protected Classes in Illinois:

- Ancestry
- Age (40 and over)
- Marital status
- Military status
- Unfavorable discharge from military service
- Sexual orientation (incl. gender identity)
- Order of Protection Status



Also Covered Under Fair Housing Laws

- Association**
- Retaliation**
- Intimidation**
- Coercion**
- Commercial Real Estate
Transactions (State Law Only)**

Other Fair Housing Laws

Local ordinances apply

- ❑ Cook County housing ordinance also covers
 - Housing status (e.g., homeless)
 - Source of income (effective August 8, 2013, this includes Housing Choice Vouchers)



How to Protect Yourself

- ❑ Learn about fair housing laws
- ❑ Know what actions are prohibited
- ❑ Train your staff and agents
- ❑ Challenge your stereotypes (attend diversity training)
- ❑ Be aware of statements (verbal or written)

What Do Fair Housing Laws Prohibit?

- ❑ Discrimination in the **sale or rental** of real estate, if based on a protected class
- ❑ Discrimination in the **terms, conditions or privileges** of a real estate transaction

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



Tips for Advertisers – what message are you sending?

- ❑ Use neutral language
- ❑ Describe the property, not the ideal tenant
- ❑ List application procedures

Reasonable Accommodations

- ❑ Housing providers must make **reasonable accommodations** for persons with disabilities



Reasonable Modifications* for Disabled Persons

Units

- Adding grab bars
- Removing doors

Common Areas

- Adding ramps, railings



*tenant pays for modifications except in HUD subsidized properties

HUD and DOJ's Joint Statement on Design and Construction

- ❑ ...“a discriminatory housing practice -- failure to design and construct the [covered] building in compliance -- does not terminate until the building is brought into compliance.”

Exemptions From Fair Housing Laws

- ❑ Room rental in a private home
- ❑ Small owner-occupied buildings
(does not apply to Cook County
or City of Chicago)
- ❑ Religious institutions
- ❑ Housing for people with disabilities
- ❑ Senior housing

IDHR Investigates Allegations of Discrimination

- ❑ Listen to all parties
- ❑ Conduct a fair investigation
- ❑ Interview relevant witnesses
- ❑ Obtain relevant documents
- ❑ Attempt voluntary resolution
- ❑ Write a report with our conclusions



Respondent Defenses to Allegations of Discrimination

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



Tips for Housing Providers/Managers



- ❑ Use a good lease agreement
- ❑ Post policies and practices
- ❑ Apply and follow these practices consistently
- ❑ Document legitimate non-discriminatory reasons for deviating from policies
- ❑ Keep organized records/documents

Penalties for Discrimination



- ❑ Injunctive relief
- ❑ “Make whole” damages
 - ❑ Emotional damages
- ❑ Civil penalties
- ❑ Attorneys fees and costs
- ❑ Punitive damages

Scenario 1

A person with a hearing impairment asks a landlord for a smoke alarm and a door bell that have light alerts instead of sound. The landlord denies the request.

Scenario 2

A tenant with asthma lives in a 24 unit building. She is bothered by secondhand smoke and claims that it comes through the vents and doors from her neighbors who are smoking. She requests that the landlord turn the building into a no-smoking building. Her request is denied.

Scenario 3

A man in a large apartment complex fell and now uses a walker. He is still driving and asks the property manager to reserve the parking space closest to the door for him, because he has difficulty walking. The PM refuses.

Scenario 4

A woman in a wheel chair can't access the dumpster in her building, so she asks the landlord to have the maintenance person stop by once a day to collect her trash. The landlord refuses, saying this is unreasonable.

Scenario 5

An owner refuses to rent a one-bedroom apartment to a qualified gay couple, reasoning that they may break up and then they'll want out of their lease.

Scenario 6

A woman calls a landlord about renting his large 3-bedroom home she saw advertised.

The landlord asks her how many people would be renting the home. She says it's for her and her husband and their four children.

The landlord says that's too many people for the house.

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Fair Housing videos and other resources:

**[http://www2.illinois.gov/dhr/FilingaCharge/Pages/
Housing.aspx](http://www2.illinois.gov/dhr/FilingaCharge/Pages/Housing.aspx)**