

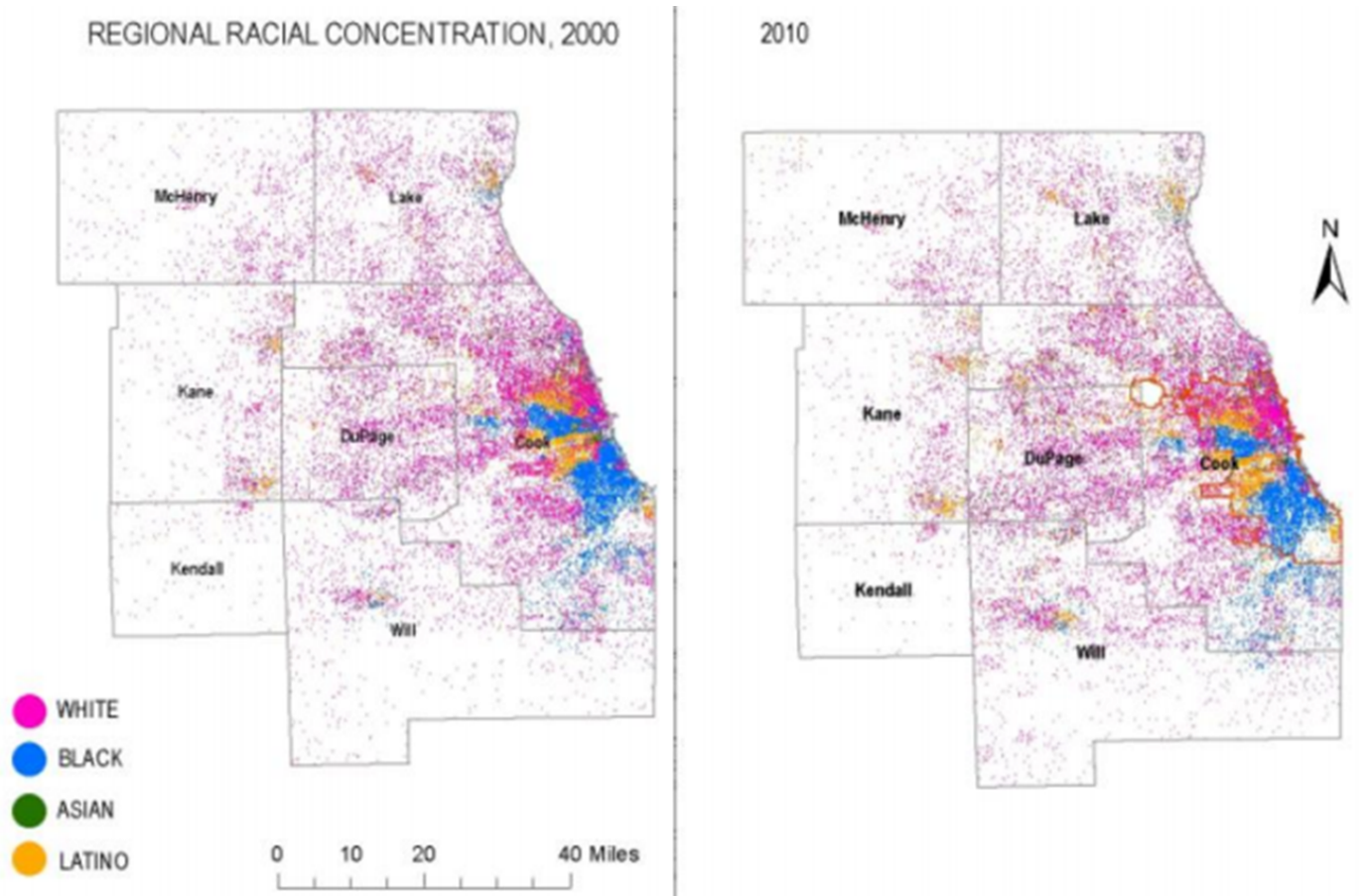
CHICAGO LAWYERS' COMMITTEE
FOR CIVIL RIGHTS UNDER LAW, INC.



Fair Housing: A Closer Look

Jessica Schneider & Morgan P Davis
Housing Action Illinois Conference, October 2nd, 2014

Racial Concentration



Overview

Chicago has been and today is still one of the most segregated cities in the United States.

Federal Fair Housing Act of 1968:

- Passed in 1968 in the wake of the assassination of Dr. Martin Luther King Jr.
- One of the most aggressive and powerful civil rights laws
- Contains unique language requiring governments that receive federal HUD money to “Affirmatively Further Fair Housing”



What is Fair Housing?

The right for all people to:

- live where they choose
- have access to housing (seek, rent, or buy) 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.

(source IDHR)

Do You Still Like Me?



Fair Housing Laws

Federal Fair Housing Act: Covers most housing in the United States 42 USC § 3601

Illinois Human Rights Act: Covers most housing in Illinois 775 ILCS 5/3-101

Cook County Human Rts. Ord.: Covers most housing in Cook County

Chicago Fair Housing Ord.: Covers nearly all housing in the City of ChicagoMuni Code 5-8-010

Fair Housing Laws

Protected Class
+ Prohibited Act
= Fair Housing Violation

Protected Classes & Deadlines

Federal	State	County	City
<ul style="list-style-type: none"> • Race, color • Religion • Sex • National origin • Physical and mental disability • Familial status 	<i>Federal plus:</i> <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 	<i>Federal and State plus:</i> <ul style="list-style-type: none"> • Source of Income (including Section 8 effective August 8, 2013) 	<i>Federal, State, and county plus:</i> <ul style="list-style-type: none"> • Source of income (including Section 8)
Deadlines			
One year to file with HUD, two years to file in court	One year to file with IDHR, two years to file in court	180 days	180 days

Prohibited Acts



- Refusing to sell or rent a dwelling after the making of an 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

More Prohibited Acts



- 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

Familial Status Discrimination

- “Familial status” is defined to include families with children under the age of 18, women who are pregnant, people in the process of adopting children or obtaining legal custody of minors.

Examples:

- Refusal to show or rent an apartment because a family has young children
- Landlord steering a family to specific unit or building, saying it is “family friendly”
- “No kids” advertisement



Source of Income

Under the Chicago and Cook County Fair Housing Ordinances, it is illegal to refuse to rent or otherwise discriminate against a person in housing because of their source of income.

- “Source of income” means the lawful manner by which a person supports oneself and his or her dependents.
- Applies to all forms of government or legally imposed subsidies paid to individuals/families including Housing Choice Vouchers (Section 8), child support, social security or disability payments.

Legal or Illegal?

The Slombas have a Housing Choice Voucher, and they find a house to rent. The owner, Mr. DuPage, agrees to rent the house and completes the section 8 paperwork, but misses four appointments with the CHA inspectors because he is “too busy” to deal with it.

Sex Discrimination and Sexual Assault

Prohibition against refusal to rent/sell and harass also applies to gender

Examples:

- Sexual harassment by a landlord or repairman
- Ads stating a gender preference

If a landlord evicts or denies housing to a tenant because she is experiencing domestic violence, this might be sex discrimination.



Federal Housing Protections for People 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.

The landlord must:

Allow **reasonable accommodations** in rules, policies, practices, or services so a person with a disability can use the housing.

Examples: 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 so he or she can use the housing.

Examples: Installing a ramp, grab bars, removing a sink cabinet or enlarging a doorway.



Discrimination in Advertising



The law prohibits making, printing, or publishing ads that indicate a preference, limitation, or discrimination based on a “protected class.”

This law applies to:

- Persons or entities placing ads (landlords, home sellers, realtors, lenders, etc.)
- Advertising agencies preparing ads
- Newspapers (and other media), directories, and multiple listing services publishing ads

What if an ad says this?

Apartment for Rent – Couple Preferred

2 Bedrooms / 2 Baths; \$1500/mo

Living room has fireplace, Master bedroom has walk-in closet, Second bedroom makes a great office. Hardwood floors. Located in a quiet 10 floor building. Walking distance to Brown Line.

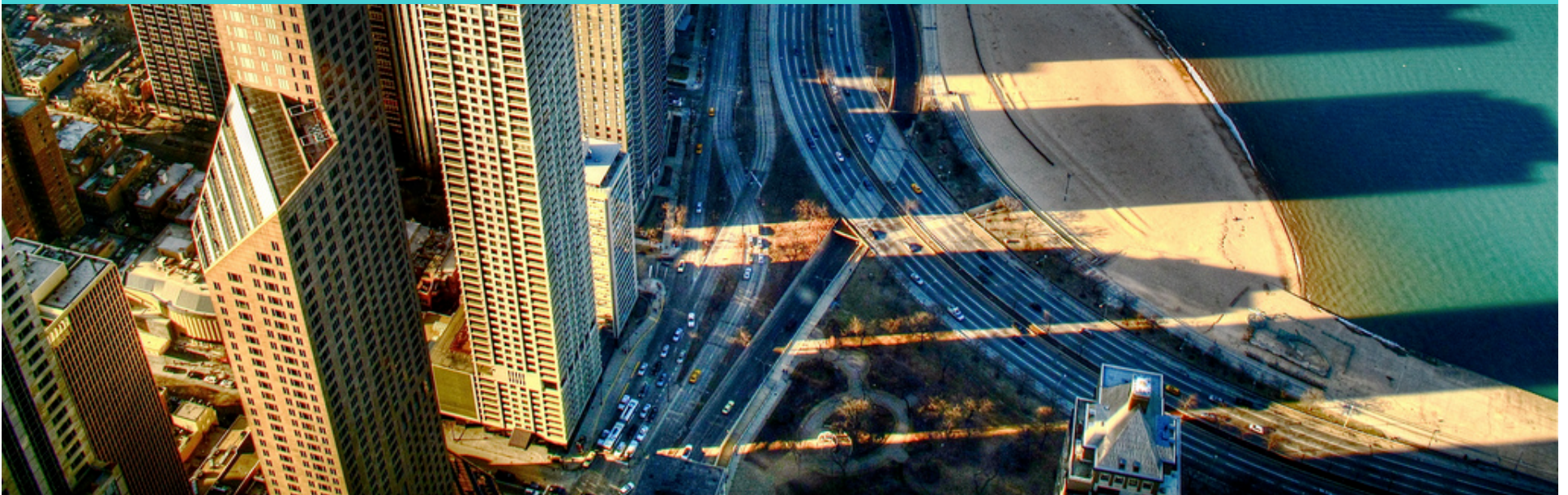
Protecting Your Rights: Filing a Complaint

It's important to report and/or file a complaint if you think you were the subject of discrimination. Consider:

- Whether the act a violation of fair housing laws or a landlord-tenant issue. Is the housing covered or is it exempt?
- What agency has jurisdiction? Where should you file your complaint? What is the deadline?
- You can get assistance with filing a complaint – contact the Chicago Lawyers' Committee for Civil Rights or another agency
- After you file there is an investigation; agency determines whether there is substantial evidence to support the complaint or dismisses the complaint; conciliation; hearing



Affirmatively Furthering Fair Housing



Affirmatively Furthering Fair Housing

- Fair Housing is 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.
- Affirmatively Furthering Fair Housing (AFFH) is taking proactive steps beyond simply combating discrimination to foster more inclusive communities and access to community assets for all persons protected by the Fair Housing Act.

Benefits of Affirmatively Furthering Fair Housing

- Identifies challenges and strengths in the community
- Shapes strategies to meet the unique needs of your area
- Understanding of how your community fits into the region
- Prevents duplicated efforts
- Links housing to other opportunities
- Cost savings and economic benefits
- Limit risk of legal liability
- Provides access to opportunity for all residents
- Encourages decent housing for all residents
- **Fulfills the new HUD proposed fair housing rule**

The image shows the exterior of the Department of Housing and Urban Development (HUD) building. The building has a distinctive architectural style with a grid of windows. A central sign reads "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT". A teal banner is overlaid on the image with the text "HUD Proposed Rule".

HUD Proposed Rule

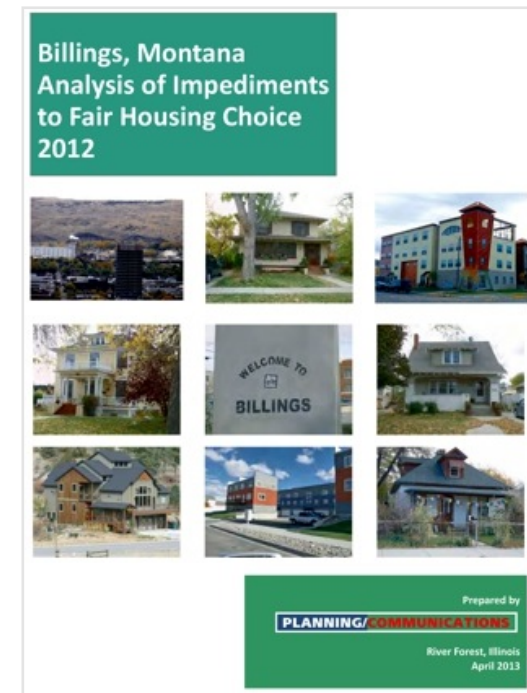
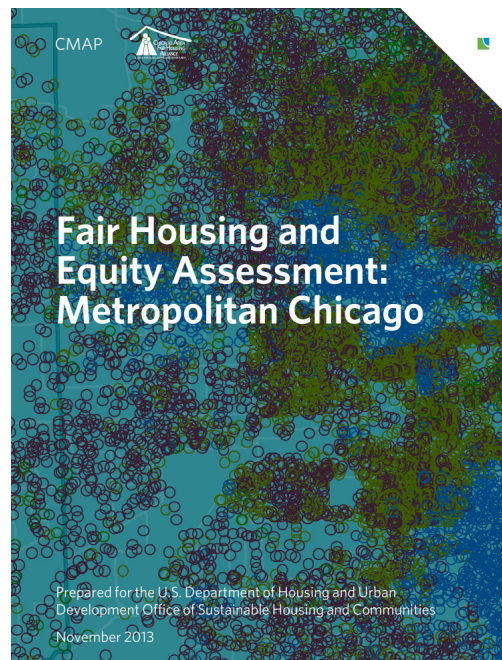
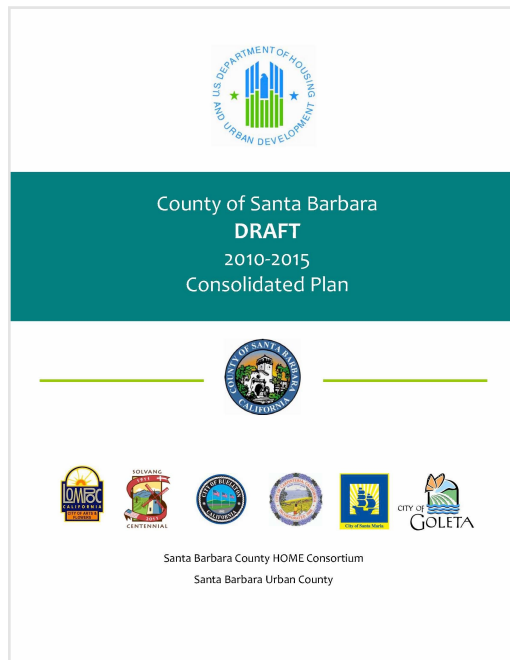
- Proposal published July 19th, 2013
- Replace fair housing assessment and planning process requirements
- Better address discrimination and foster inclusive communities
- Promotes choice and opportunities for integrated housing
- HUD uniform data sets related to fair housing issues

Housing Counseling + AFFH

If your organization receives federal funding, you must take reasonable steps to affirmatively further fair housing and to ensure that persons are not denied housing counseling services or treated differently on the basis of race, color, sex, religion, national origin, disability, or familial status

- Identify Impediments to Fair Housing Choice
- Specify Activities to Affirmatively Further Fair Housing
- Reporting

Impediments to Fair Housing Choice





Activities to Affirmatively Further Fair Housing



Reporting

- Identify impediments to fair housing addressed by planned activities
- Describe activities that took place
- Describe the impact of activities
- Maintain records on the race, ethnicity, disability status and family status of the beneficiaries of counseling programs

Fair Housing Action Report - due 1/20/14

> ready > set > success

DCED 12/13

PA pennsylvania
DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT

Fair Housing Annual Report

Grantee:	Date Prepared:
Contact Person:	Reporting Year:
E-mail address:	Phone:

Mandatory Activities:

1. Date of Fair Housing Advertisement: _____ (must be done every year)

2. Fair Housing Officer Name: _____ Phone: _____
E-mail address: _____ Office: _____

When completing the below questions, if your answer doesn't either show up in the box or on the printout, please attach an additional sheet with the information.

3. Were there any complaints submitted to FHO? ☐ Yes ☐ No
If yes - the number and type: _____

PA pennsylvania
DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT

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Contact Us

Jessica Schneider

Staff Attorney

Chicago Lawyers Committee for Civil Rights Under Law

jschneider@clccrul.org

Morgan P Davis

Executive Director

Chicago Area Fair Housing Alliance

mdavis@cafha.net