

# Chapter 2

## Fair Housing

### Housing Matters

#### Introduction

It is illegal to discriminate in any real estate transaction including rental, sale, terms and conditions of the rental or sale, advertising and lending. There are four major agencies in Chicago that handle housing discrimination complaints: Chicago Commission on Human Relations (CCHR), Cook County Commission on Human Rights (CCCHR), U.S. Department of Housing and Urban Development (HUD), and Illinois Department of Human Rights (IDHR). You may also file suit in federal court under the Federal Fair Housing Act.

While all handle housing discrimination complaints, there are some differences in the types of discrimination covered, i.e. who is covered (protected classes) the limitations on what property and who can be the subject of a complaint, and the time period in which a complaint must be filed. Parental status and familial status are considered to be the same thing. Also, sex discrimination includes sexual harassment.

The information below is presented to give a general idea of the provisions of each agency. Each agency has specific provisions, for example, in regard to accessibility for the disabled. Complete information is available from the enforcement agencies or from a fair housing organization. See the end of this Chapter for information on what to do if you are being discriminated against or sexually harassed.

#### Types of Discrimination Covered by Government Agency

##### Chicago Commission of Human Relations

<b>Protected Classes:</b>	race	color
	national origin	religion
	ancestry	parental status
	disability	age
	sexual orientation	marital status
	military discharge	sex
	source of income	<i>(including sexual harassment)</i>
	<i>(including Housing Choice Voucher Program – Section 8)</i>	

**Covered Properties:** Any housing accommodation that is for sale, rent, or lease. No exemptions.

**Time Limitations:** 180 days from the act of discrimination.

##### Cook County Commission on Human Rights

<b>Protected Classes:</b>	race	color
	national origin	religion

ancestry                      parental status  
disability                      age  
sexual orientation              marital status  
military discharge              housing status  
source of income  
sex (including sexual harassment)

**Covered Properties:** Residential Property that is for sale, rent, or lease. No exemptions.

**Time Limitations:** 180 days from the act of discrimination.

### U.S. Department of housing and Urban Development

**Protected Classes:** race                      color  
national origin                      religion  
familial status                      disability  
sex (including sexual harassment)

**Covered Properties:** Any building occupied or intended to be occupied as a residence and vacant land that is for sale or lease for the construction of such a building. Although there are exemptions, such as buildings of 4 units or less if owner occupied, there are qualifications to the exemption, so that most buildings are covered for nearly all of the types of discrimination prohibited. For example, the exemption does not apply to discriminatory statements or advertising, including sexual harassment. Different standards apply for multi family buildings subject to accessibility provisions.

**Time Limitations:** 1 year from the act of discrimination.

### Illinois Department of Human Rights

**Protected Classes:** race                      color  
national origin                      religion  
ancestry                      familial status  
disability                      age  
marital status                      military status  
sex (including sexual harassment)

**Covered Properties:** Residential buildings. Exemption for buildings of 5 units or less if occupied.

**Time Limitations:** 1 year from the act of discrimination.

## **Familial and Parental Status Discrimination**

Fair Housing law prohibits the following acts:

1. Discrimination in the terms and condition of any real estate transaction, including residential leases, based on family status, including the number or ages of children.
2. Publishing, circulating, issuing or displaying any notice, advertisement, sign, or other writing that discriminates against families in connection with any real estate transaction, including residential leases.
3. Refusing to show any residential property, which is listed for rental or for sale, on the basis of family status.
4. Knowingly representing that a residential unit for sale or rental is not available for inspection, sale, rental, or lease, when such property is in fact available to other individuals whose family status is different.

Who is legally protected against familial status discrimination?

1. A parent
2. A person with legal custody of a minor or disabled child or children
3. The designee of the parent or legal custodian with the parent or custodian's written permission
4. Pregnant women
5. Anyone securing legal custody of a child under age 18, including foster parents

A landlord can lawfully deny housing to a family if the family's size would violate the occupancy requirements under municipal codes, if those codes are reasonable. Often, it takes the filing of a complaint to determine what is reasonable. Also, housing for older adults is exempt from the prohibition on familial status discrimination if the housing is intended and operated for occupancy by at least one person 55 years of age or older per unit and at least 80 percent of the units are so-occupied.

### **Renter's Resource Guide Notes:**

- 1. A landlord cannot discriminate against you because you have children**
- 2. The city, country, state and federal government all have laws against familial status discrimination**
- 3. Enforcement agencies are listed on following pages**

## **Fair Housing Law Prohibits Sexual Discrimination**

Sexual harassment occurs when there is any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature regarding the rental or purchase of real property where:

1. Giving in to such conduct is made an explicit or implicit term of the rental or sales transaction.
2. Giving in to or rejecting the sexual conduct is used as the basis for any decision affecting the individual's purchase or rental of the property.
3. The conduct has the purpose or effect of substantially interfering with an individual's rental or purchase of a property or creates an intimidating, hostile, or offensive environment with respect to the rental or purchase of that property.

### **What can you do if you have been discriminated against?**

1. WRITE DOWN everything that happens with names, dates, and locations.
2. REPORT THE INCIDENT to any of the following agencies. You may contact a private fair housing organization to assist you, or you may contact one of the enforcement agencies directly.

### **Private Fair Housing Agencies Serving Chicago**

**Access Living  
(for Disability discrimination)**  
614 W. Roosevelt Road  
Chicago, Illinois 60607  
312 253-7000 Voice  
312 253-7016 TTY

**The John Marshal Law School  
Fair Housing Legal Clinic**  
28 E. Jackson Blvd. Suite 500  
Chicago, Illinois 60604  
312 786-2267

**Chicago Lawyers' Committee For  
Civil Rights Under the Law, Inc.**  
100 N. LaSalle, Suite 600  
Chicago, Il 60602  
312 630-9744  
312 630-9749

**Leadership Council For  
Metropolitan Open Communities**  
111 W. Jackson, 12<sup>th</sup> Floor  
Chicago, Il 60604  
312 341-5678  
800 786-6736 TDD

## **Enforcement Agencies**

All of these agencies have filing deadlines that require a claimant to file within a certain time period after each incident occurs. These deadlines are listed earlier in this chapter.

Chicago Commission  
On Human Relations  
740 N. Sedgwick, 3<sup>rd</sup> Floor  
Chicago, Il 60610  
312 744-4111 Voice  
312 744-1088 TTY

U.S. Department of Housing and  
Urban Development (HUD)  
77 W. Jackson Blvd.  
21<sup>st</sup> Floor  
Chicago, Il 60604  
800-669-9777 voice  
800-927-9275 TDD

Cook County Commission  
On Human Relations  
69 West Washington Street, Suite 2900  
Chicago, Il 60602  
312-603-1100 voice  
312-603-1101 TDD

Illinois Dept. of Human Rights  
100 W. Randolph St. Ste. 10-100  
Chicago, Il 60601  
800-662-3942  
312-814-6200 voice  
312-263-1579 TDD