



**Presentation for Landlord/Property Manager
EXPO**

Mount Prospect Village Hall

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Disclaimer

- This presentation is intended for educational and informational purposes only. Nothing contained in this presentation should be considered as the rendering of legal advice either generally or in connection with any specific issue or case.
- You should always consult with an attorney for legal advice as to any specific issue or case.

What is Fair Housing?

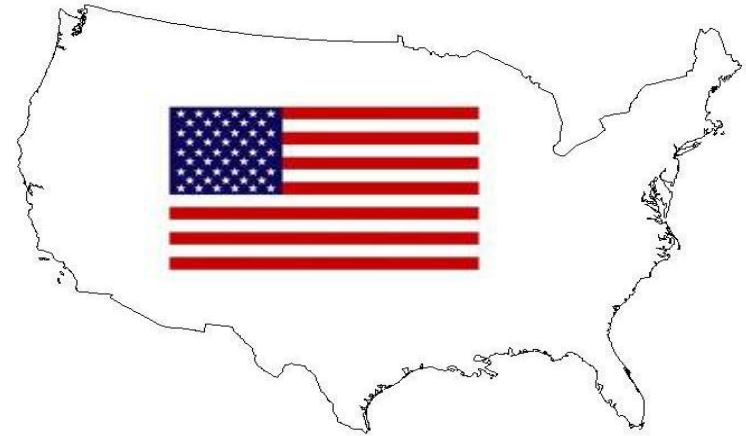
The right for **all** people to live wherever they choose, to have access to housing (seek, purchase, sell, lease or rent) and enjoy the full use of their homes without unlawful discrimination, interference, coercion, threats, or intimidation by owners, landlords or real estate agents or any other persons.



Federal Fair Housing Law

7 Protected Classes:

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



State Fair Housing Law

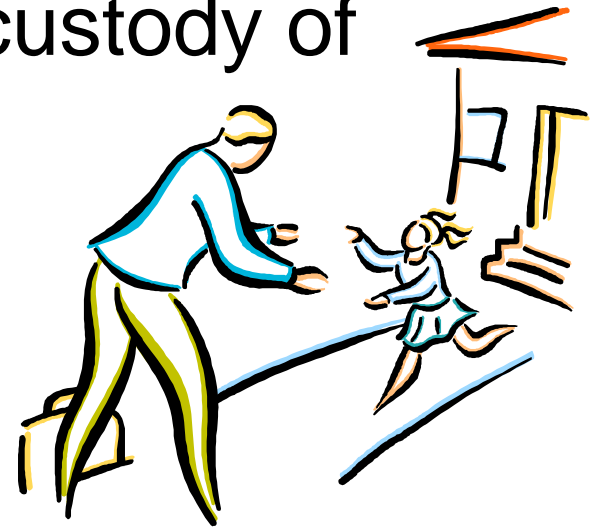
7 Additional Protected Classes in Illinois:

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



Familial Status

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



Disability



- ❑ An impairment that substantially limits a major life activity (federal definition)
- ❑ Determinable physical or mental characteristic which may result from disease, injury, congenital condition of birth or functional disorder which is unrelated to the person's ability to acquire, rent or maintain a housing accommodation (Illinois Human Rights Act)

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



Order of Protection Status

- ❑ “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.”
- ❑ Cannot be used as the basis for denying a rental application, evicting, etc.

Also Covered

- ❑ **Association** – refers to persons associated with the tenant, such as children or friends
- ❑ **Retaliation** – differential treatment because a person complained of or reported discrimination
- ❑ **Intimidation** – harassment/other actions because of a protected class, related to enjoyment of a housing accommodation (neighbor to neighbor)
- ❑ **Coercion** – attempts to force someone to discriminate

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 the sale or rental
- ❑ An estimated 3.7 million incidents occur annually
- ❑ Housing discrimination is perpetuated by other elements such as segregation, predatory lending, and gentrification

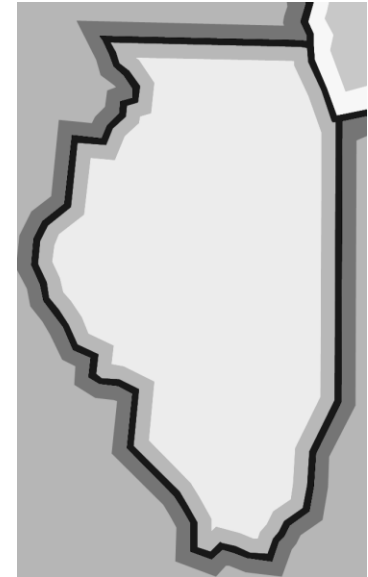
Reported Housing Discrimination in Illinois

IDHR Housing Division FY2012:

Inquiries.....	1046
Charges Filed.....	313
Completed Investigations.....	366

Bases of Discrimination:

Physical/Mental Disability	42%
Race.....	37%
Familial Status.....	14%
National Origin/Ancestry.....	13%
Sex.....	10%
Retaliation.....	6%
Sexual Orientation/Gender Identity...	4%



Note: many charges were filed under more than one basis

How to Protect Yourself

- ❑ Learn about fair housing laws
- ❑ Make sure your staff and agents follow the law
- ❑ Challenge your stereotypes (attend diversity training)
- ❑ Have policies and practices and follow them consistently

Who Is Bound by the Fair Housing Laws?

Any person engaging in real estate transactions:

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

And...

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



What is Covered?



□ Both commercial and residential 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.

What Do Fair Housing Laws Prohibit?

- ❑ Discrimination in the sale or rental of real estate
 - Racial steering
 - Discouraging
 - Exaggerating drawbacks
 - Failing to mention positives
 - Communicating incompatibility
 - Segregating

What Else Do Fair Housing Laws Prohibit?

- ❑ Discrimination in the terms, conditions or privileges of a real estate transaction
 - Sexual harassment and harassment
 - Insurance redlining
 - Refusal to provide municipal services or property or hazard insurance for a dwelling
 - Differential treatment (repairs, lease violation notices)

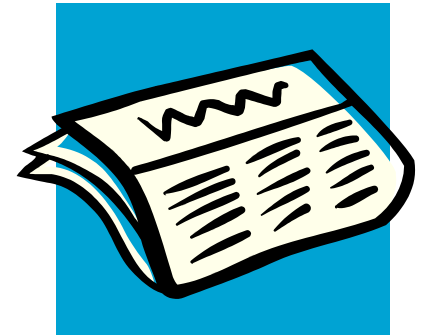
Discrimination in Advertising

- ❑ 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 anyone placing ads:

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



ADVERTISING: Is This Legal?

APARTMENT FOR RENT

2 Bedroom/2 Bath, \$1500 per month

No more than 2 people preferred

Living room has a fireplace, master bedroom has walk-in closet, second bedroom makes for a great office.

Hardwood floors. Located in a quiet 10 floor building. Walking distance to the train.

Tips for Advertisers – 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.

Disability Issues

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



Examples of Reasonable Accommodations for Disabled Persons

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



Accommodation in pet policies for a guide, hearing or support dog - if needed by a person with a disability



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

Reasonable Modifications for Disabled Persons

- ❑ 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 Disabled Persons

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



Exemptions From Fair Housing Laws

Owner-Occupied Exemptions:

- ❑ Apartments in buildings with 4 units or less if the owner lives in one of the units (“Mrs. Murphy” exemption)
- ❑ Room rental in a private home if the owner resides in the building
- ❑ **BUT NOTE:** Some local ordinances cover all dwellings (e.g. Cook County, City of Chicago)
- ❑ No exemption re: race discrimination

Other Exemptions (limited):

- ❑ Non-profit religious organizations may give housing preference based on religion
- ❑ Certain types of affordable housing units may segregate by disability
- ❑ “Senior housing” may discriminate against families with children (not applicable to HUD-insured or HUD-subsidized buildings, or to Housing Authorities if household is otherwise qualified (age, income, unit size))

Investigating Charges

- ❑ Intake
- ❑ Service of charge
- ❑ Investigation
 - Interview complainant and respondent
 - Obtain documents
 - On-site
 - Interview other witnesses



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

Tips for Respondents



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

Remedies and Damages



- ❑ Civil penalties
- ❑ Injunctive and equitable relief
- ❑ Monetary damages for actual damages suffered, such as higher rent costs, emotional damages
- ❑ Attorneys fees and costs
- ❑ Federal court and some local ordinances allow for punitive damages (e.g. Cook County, City of Chicago)

Scenario 1

An apartment seeker who uses a wheelchair has found a second-floor apartment in an older walk-up building. He asks the landlord to put in an elevator so he can reach the unit, but the landlord refuses.

Scenario 2

A rental complex advertises a spacious one-bedroom apartment.

When a couple with a newborn applies, the property manager turns down their rental request, saying that a one bedroom is not sufficient for three people.

Scenario 3

A woman applies for an apartment. She has good credit and the required deposit. When the property manager calls the prospective tenant's previous landlord, she finds out that the woman and her ex-partner used to throw loud, late-night parties that caused some of the other tenants to complain. The property manager turns down her rental application.

Scenario 4

A woman with a ten-year-old son and a high credit score, excellent landlord references and adequate income from child support and Social Security disability benefits is denied housing in favor of an elderly, retired couple with lower credit scores, lower income and no references.

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