

# Fair Housing Month, April 2022

## THE STATE OF FAIR HOUSING IN ILLINOIS



# Agenda

## Opening Remarks

- ❖ Jim Bennett – Director, Illinois Department of Human Rights
- ❖ Alex Bautista – Deputy Director, Illinois Department of Human Rights

## Fair Housing Panel

- ❖ Steven Monroy – Fair Housing Division Director, Illinois Department of Human Rights
- ❖ Lon D. Meltesen – Regional Director, Region V Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development
- ❖ Catrina Miksis – Assistant Attorney General, Illinois Attorney General's Office
- ❖ Allison K. Bethel – Director, Fair Housing Legal Clinic, University of Illinois Chicago School of Law
- ❖ Sarah Cartagena – Senior Policy Analyst, Latino Policy Forum



## **STEVEN MONROY**

Director, Fair Housing Division  
Illinois Department of Human Rights

# Illinois Department of Human Rights

- Government agency that enforces the Illinois Human Rights Act (IHRA)
- Conducts **impartial investigations** of discrimination in real estate transactions, employment, public accommodations, financial credit, and other areas
- Provides trainings related to the IHRA and on issues of discrimination
- IDHR prosecutes housing cases at the Illinois Human Rights Commission

# Path of a Fair Housing Investigation (IDHR)

- Complainant or HUD sends discrimination allegations to IDHR
- Intake reviews allegations and determines whether to file a Charge
- Investigator interviews parties, obtains evidence, attempts conciliation
- Investigator writes a report w/ conclusions, finding or not finding **Substantial Evidence**
- If there is Substantial Evidence, IDHR files a complaint w/ Human Rights Commission
  - Complainant may elect to file a lawsuit in Court – ending administrative process

# Who is Responsible for Fair Housing?

- Landlords and Property Owners
- Real Estate Agents
- Leasing Agents
- Management Companies
- Neighbors
- Appraisers
- Lenders and Insurers
- 3rd-party Mortgage Modification Services
- Developers and Architects
- All levels of Government
- Others involved in Real Estate Transactions

# Fair Housing Laws

- State and Federal Laws
  - Fair Housing Act of 1968 – federal law enforced by HUD
  - Illinois Human Rights Act – state law enforced by IDHR
- Intergovernmental Collaboration – Fair Housing Assistance Partnership (FHAP)
  - HUD and IDHR cross-file housing complaints that concern both state and federal law
- Local Ordinances – Enforced by local governments (ex. Chicago, Cook County)

# Examples of Prohibited Actions

- Refusal to rent
- False statements about availability
- Discriminatory advertisements or statements
- Steering
- Retaliation and interference
- Mishandling requests for accommodations/modifications

# Protected Classes (Federal Fair Housing Act)

1. Race
2. Color
3. Religion
4. National Origin
5. Sex (including sexual harassment)
6. Familial Status (children under 18, pregnancy)
7. Disability (mental and physical)

# Additional Protected Classes (Illinois Human Rights Act)

8. Ancestry
9. Age (40 and over)
10. Marital status
11. Pregnancy
12. Military Status/Unfavorable discharge
13. Sexual Orientation (including Gender Identity)
14. Order of Protection Status
15. Retaliation
16. Interference, Coercion, and Intimidation
17. Arrest Record
18. Association with a Person with a Disability

# Exemptions to State/Federal Fair Housing Laws

- Sales of single-family homes by owner without real estate broker services
- Room rental in an owner-occupied private home
- Small (4 units or less) owner-occupied buildings
- Religious institutions
- Housing for people with disabilities
- Housing for older persons

These exemptions do not apply to Advertisements or Prohibited Statements

# Focus: Advertising and Statements

- The law prohibits making, printing, or publishing statements/advertisements that indicate a preference, limitation, or discrimination based on a “protected class.”
- This also applies to real estate transactions otherwise exempted:
  - Sales of single-family homes by owner without real estate broker services
  - Room rentals in an owner-occupied private home

# IHRA Discrimination Remedies

- “Make whole” damages
- Emotional damages
- Injunctive relief
- Punitive damages
- Civil penalties
- Attorneys' fees and costs
- Settlement agreements can include both monetary and public interest relief

# Best Practices

- Learn about fair housing laws
- Know what laws apply to you
- Know what is prohibited
- Train staff and agents
- Challenge your stereotypes
- Attend diversity, equity and inclusion training
- Be professional, responsive, and consistent
- Review advertising
- Develop and apply standard policies
- Seek professional assistance when needed

# Recent Legislation

## Legislation Pending Governor's Action

- HB2775 - **Source of Income** as a protected basis – defined as the lawful manner by which an individual supports himself or herself and dependents.
- HB4410 - **Illinois Real Estate Valuation Task Force** to study appraisal industry standards and racial disparities in the valuation of residential housing.

## Enacted Legislation

- HB4605 - explicitly provides a right to **jury trials** in fair housing lawsuits in state court.  
*Signed on April 22, 2022.*



## **LON D. MELTESEN**

Regional Director, Region V

Office of Fair Housing & Equal Opportunity

**U.S. Department of Housing and  
Urban Development**

**Illinois Department of Human Rights  
State of Fair Housing in Illinois  
April 26, 2022**

**Ensuring Equal Housing Opportunities For All: HUD's  
Priorities to Overcome Barriers to Fair Housing.**

Lon Meltesen, Regional Director  
Office of Fair Housing and Equal Opportunity  
US Department of Housing and Urban Development



# Agenda

- I. Introduction
- II. Affirmatively Furthering Fair Housing
- III. Protecting the LGBTQ+ Community
- IV. Addressing Discrimination in Appraisals
- V. Covid-19 Response
- VI. Conclusion

# Introduction

**Fair Housing:**  
**MORE THAN JUST WORDS**

**FAIR HOUSING: More than just words on a gameboard, IT IS THE LAW.**

**KNOW YOUR RIGHTS!**

If you feel you have experienced housing discrimination based on race, color, religion, national origin, sex, disability, and family status, contact HUD at 1-800-669-9777 (voice), 1-800-877-8339 (Federal Relay), online at [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing), or your local fair housing organization.

# Affirmatively Furthering Fair Housing

- HUD's Interim Final Rule of AFFH
- [HUD Restores Affirmatively Furthering Fair Housing Requirement | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)
- HUD's development of a permanent rule on AFFH

# Protecting the LGBTQ+ Community

- HUD's Bostock Memorandum
- HUD charges a Milwaukee property owner and property manager with sexual orientation and disability discrimination.

# Addressing Discrimination in Housing and Appraisals

- HUD's settlement with J.P. Morgan Chase Bank.
- Creation of the Task Force on Property Appraisals and Valuation Equity (PAVE)

[PAVE | \(hud.gov\)](http://hud.gov)

# Addressing Discrimination in Housing and Appraisals

## Some Key Findings of the PAVE Action Plan:

- On average, homes in majority Black neighborhoods are valued at less than half of those neighborhoods with few or no Black residents;
- Homes in communities of color are twice as likely to be appraised less than the sale price as homes located in White communities.

# Addressing Discrimination in Housing and Appraisals

## The Five Action Areas of the PAVE Action Plan:

- Strengthen guardrails against unlawful discrimination in all stages of residential valuation;
- Enhance fair housing/fair lending enforcement
- Build a well-trained, accessible, and diverse appraiser workforce
- Empower consumers to take action;
- Develop better data to study and monitor valuation bias.

# COVID-19 Response

Through the American Rescue Plan, HUD has made available over \$20 million in funding in the past year for the Fair Housing Initiatives Program (FHIP) that focus directly on the unequal impact that the COVID-19 pandemic has had on communities of color, low income communities, and other vulnerable populations.

# COVID-19 Response

## Eviction Crisis

A selection of resources include:

- [Rental Housing Counseling and Eviction Prevention](#)
- [Tools for Landlords with Tenants Impacted by COVID-19](#)
- [Tenant Guidance: Rent Repayment Plans](#)
- [Homeless System Response: Strategies for Eviction Prevention](#)
- [NFHTA Forum: On the Brink: The Looming Eviction Crisis of the COVID-19 Pandemic](#)

# Conclusion

Persons who believe they have experienced discrimination may file a complaint by contacting HUD's Office of Fair Housing and Equal Opportunity at (800) 669-9777 (voice) or (800) 927-9275 (TTY) or visit HUD's website.



## **CATRINA MIKSIS**

Assistant Attorney General, Civil Rights Bureau  
**Illinois Attorney General's Office**



# Illinois Attorney General's Office

# Illinois Attorney General



- The Attorney General shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law. (Illinois Constitution Art. V, Sec. 15).
- Represent and defend the State in all legal proceedings.
- Enforce various consumer protection and civil laws on behalf of the People of Illinois.

# Illinois Attorney General's Office



- Protects consumers
- Advocates for women and senior citizens
- Works to keep communities safe
- Safeguards children
- Defends your rights
- Preserves the environment
- Helps crime victims

# Public Interest Division



- Enforce laws on behalf of the public relating to:
  - Disability Rights
  - Civil Rights
  - Workplace Rights
  - Public Utilities



## **CIVIL RIGHTS BUREAU**

- State and federal laws guarantee Illinois residents the right to live free of unlawful discrimination.
- Works with local, state and federal agencies, as well as with civil rights and community groups, to identify patterns and practices of discrimination.
- Vigorously enforces the law to prohibit discrimination and ensure equality.



## CIVIL RIGHTS BUREAU

**Mission: to  
protect the  
civil rights  
guarantees of  
Illinois  
citizens**

- Reviews and responds to constituent complaints
- Investigates possible civil rights violations based on *a pattern or practice of discrimination*
- File lawsuits where warranted after an investigation
- Monitors and proposes legislation and policies that involve civil rights

# Illinois Human Rights Act



- Prohibits the following:
  - **discrimination in employment, housing, public accommodations, and by financial institutions**
  - sexual harassment in elementary, secondary, and higher education and employment
  - retaliation for opposing unlawful discrimination, complaining about discrimination or participating in an investigation
- 775 ILCS 5/101 *et. seq.*

# What is discrimination?



- Discrimination is the practice of unfairly treating a person or group of people differently from other people or groups of people.
- A pattern or practice exists when discrimination is the regular practice, rather than an isolated instance.

# Discrimination in Housing Under the IHRA



- Under Section 3-102 it is a violation for an owner/person engaging in a real estate transaction, because of unlawful discrimination, familial status, or arrest record, to:
  - “Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction;
  - Alter the terms, conditions or privileges of a real estate transaction;
  - Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction;
  - Refuse to negotiate for a real estate transaction;
  - Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available;”
  - Publish an advertisement indicating a preference in a real estate transaction; or
  - Use a listing for a real estate transaction with knowledge that unlawful discrimination on the basis of familial status or an arrest record is intended.

# Protected Classes under IHRA



- Race
- Color
- Religion
- Sex
- National Origin
- Ancestry
- Age
- Order of Protection Status

- Marital Status
- Disability
- Military Status
- Sexual Orientation (includes gender identity)
- Pregnancy
- Unfavorable discharge from military service

# Familial Status and Arrest Record



- Familial status means one or more individuals (under the age of 18 years) being domiciled with:
    - A parent, person with legal custody of such individual or individuals, or the designee of such parent or other person having such custody (with the written permission of such parent or other person).
  - Includes households with persons who are pregnant or in the process of securing custody of an individual under 18.
- Arrest record means:
    - An arrest not leading to a conviction;
    - A juvenile record; or
    - Criminal history record information ordered expunged, sealed, or impounded under Section 5.2 of the Criminal Identification Act.

# Examples of Discriminatory Actions in Housing



- A real estate agent persuades someone not to buy or rent a home in a certain neighborhood
- A landlord refuses to rent to families with children or only allows families with children to live on certain floors
- Using advertisements expressing intent to unlawfully discriminate
- Refusing to finance or insure housing

# OAG Fair Housing Work



- Litigate on behalf of the People and IDHR in Circuit Court when individuals file complaints with IDHR alleging discrimination in housing. Examples:
  - Obtained a settlement against an IL condo association board and property management company for subjecting residents to pervasive harassment based on race and sex.
  - Entered into a settlement against a landlord that made statements indicating a preference to rent to families without children.
- Review pending state legislation to ensure it aligns with protecting access to fair housing

# OAG Multistate Work



- OAG works with a coalition of State Attorneys General to protect fair housing for all
- Example:
  - Drafting of a multi-state Comment to HUD opposing enactment of a Proposed Rule that sought to amend the Equal Access Rule, 24 C.F.R. § 576, which would effectively rescind a 2016 HUD rule and strip protections for transgender and gender non-conforming individuals in HUD-funded shelters.



## Contact Information

Submit a complaint  
regarding a pattern and  
practices

## Civil Rights Bureau

You may file a complaint with the Civil Rights Bureau by:

- Calling the Civil Rights Bureau at 1-877-581-3692;
- Filling out a complaint form located on the Illinois Attorney General's website at <http://www.illinoisattorneygeneral.gov/rights/civilrights.html> and submitting the complaint to the Civil Rights Bureau by mail or in person at 100 W. Randolph Street, Chicago, Illinois 60601, or by faxing it to (312) 814-3212; or
- Filling out a complaint form in-person at 100 W. Randolph Street, Chicago, Illinois 60601.



## DISABILITY RIGHTS BUREAU

**Mission:** to  
protect and  
advance the  
rights of people  
with disabilities  
to equal access  
in all aspects of  
life

- Review and respond to constituent complaints alleging violations of state or federal disability rights laws due to discriminatory policies or practices, or architectural inaccessibility
- Resolve complaints through investigation, negotiation, and litigation
- Staff two technical assistance helplines, one in Chicago and one in Springfield
- Conduct trainings across the State
- Provide technical assistance and training programs to Court Disability Coordinators
- Participate on committees to engage with stakeholders and influence policy

# Laws Enforced by the Disability Rights Bureau



## State Laws

- Illinois Environmental Barriers Act (410 ILCS 25)
- Illinois Accessibility Code
  - ✦ Establishes technical requirements for architectural accessibility in public buildings and multi-story housing
- Illinois Human Rights Act
  - ✦ Prohibits discrimination in housing, employment, places of public accommodation and financial institutions based on disability status

## Federal Laws

- Americans with Disabilities Act
  - ✦ Prohibits Discrimination on the basis of disability in:
    - Title I – Employment
    - Title II – State and local government (public entities)
    - Title III – Public accommodations (private businesses)
    - Standards for Accessible Design
- Section 504 – Rehabilitation Act of 1973
  - ✦ Prohibits discrimination on the basis of disability in programs and activities receiving federal funding
- Fair Housing Act and Amendments
  - ✦ Prohibits discrimination in buying, renting, leasing or selling a home to someone based on disability status

# Examples of Discriminatory Actions on the Basis of Disability in Housing



- **Discrimination in Housing**
  - A housing provider refuses to rent to an individual with autism.
  - A landlord charges a surcharge to allow assistance animals in a “no pets” building.
  - A condominium association does not provide sign language interpreters or CART services at its board meetings to ensure effective communication for a resident who is deaf.
  - A management company refuses to assign a parking space in close proximity to the entrance for a tenant with a lung condition.
  - A landlord denies a tenant with physical disabilities permission to make modifications to his dwelling at the tenant’s expense.



**Contact  
Information**

## Disability Rights Bureau

James R. Thompson Center  
100 W. Randolph, 11<sup>th</sup> Floor  
Chicago, Illinois 60601

### Technical Assistance Lines

312-814-5684 Chicago  
217-524-2660 Springfield  
800-964-3013 TTY

### Email

[Disabilityrights@ilag.gov](mailto:Disabilityrights@ilag.gov)



## **ALLISON K. BETHEL**

Director, Fair Housing Legal Clinic

**University of Illinois Chicago School of Law**



## **SARAH CARTAGENA**

Senior Policy Analyst

Latino Policy Forum



# Immigrants & Fair Housing

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[scartagena@latinopolicyforum.org](mailto:scartagena@latinopolicyforum.org)

April 2022

# Latino

## POLICY FORUM

*Inform. Influence. Lead.*



EDUCATION



HOUSING



IMMIGRATION



LEADERSHIP



## State Snapshot: Illinois

- 13.9% of the state's population is made up of the immigrant community (1.76 million)
- Estimated 425,000 undocumented
  - 257,000 live in Cook County

Sources:

<https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/IL>

<https://www.migrationpolicy.org/data/state-profiles/state/demographics/IL>



# Immigration Tenant Handbook



## Immigrant Tenant Handbook

[www.latinopolicyforum.org](http://www.latinopolicyforum.org)

# Ancestry and National Origin Protections

- Ancestry & National Origin is a protected class under federal (FHA) and Illinois state law (ILHRA)
- Cover birthplace, language, family heritage, ethnicity, and/or cultural practices
- Immigration Status is not a protected class under fair housing laws, but there are protections under ITPA and Immigration Status Disclosure

**It is illegal for a landlord to deny housing or offer different terms in a housing transaction because of real or perceived national origin or ancestry.**

**This includes name, accent, physical appearance, or participation in specific cultural traditions**

## Examples of discrimination based on ancestry or national origin:

- Refusing to rent to a man named Jose Antonio because the landlord does not rent to Latinos
- Charging a native american woman higher rent than they charge a white tenant for an identical unit
- Only showing units in Chinatown to a woman because she is of Asian descent
- Denying access to the building parking lot to tenants who were born outside the USA

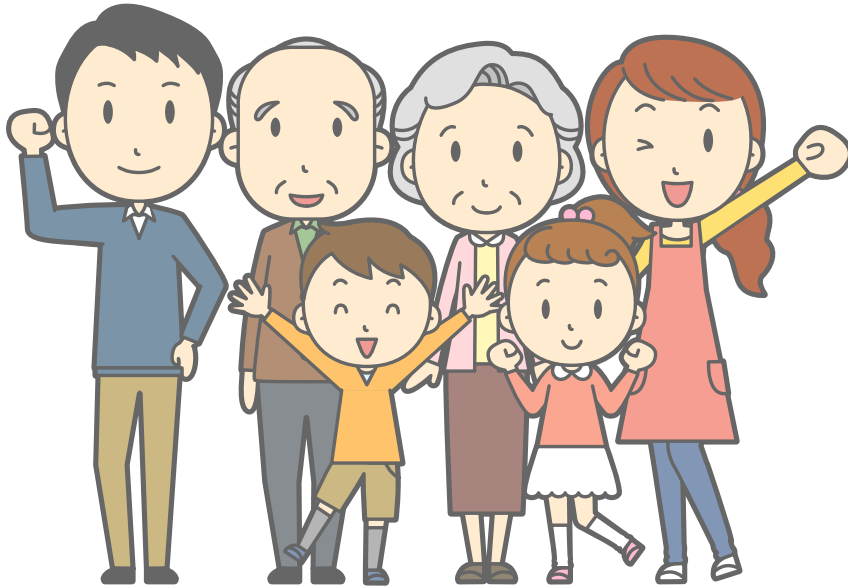
# Language and Fair Housing

- ⌘ Discrimination because of limited English proficiency could be a violation of fair housing laws (link to national origin)
- ⌘ Landlords should work with interpreters that a tenant may bring
- ⌘ Landlords should work with tenants to ensure they understand lease documents and verbal agreements



HUD guidance on Fair Housing  
Protections for Persons with LEP

# Immigrant Tenant Protection Act (ITPA)



- This law went into effect in August 2019.
- In Illinois, landlords cannot threaten or evict tenants because of their immigration status.

# How does ITPA protect immigrant tenants?

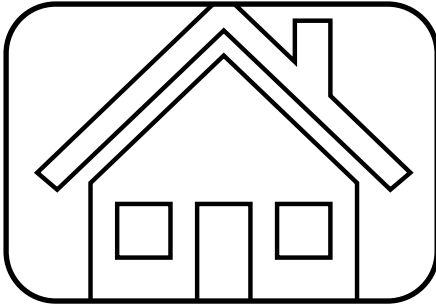
Your landlord may not threaten to call ICE (immigration), increase your rent, evict you, or shut off utilities based on your immigration status.

Protects people, of any immigration status, who are **currently** renting.

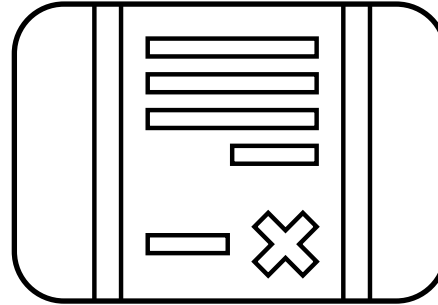
Protects **everyone living with the tenants**, not just people named on the lease.

Protects tenants with verbal lease agreements, not just written agreements.

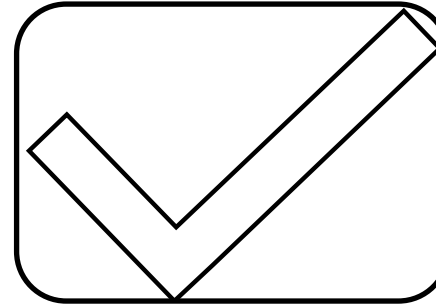
## ITPA Limitations



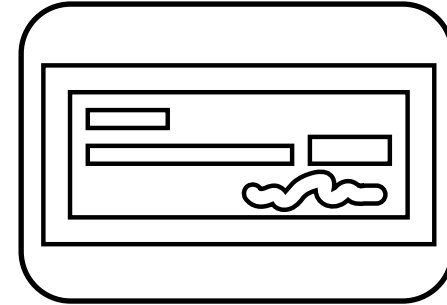
**It does NOT cover  
people applying  
for new housing.**



**It does NOT cover  
federally funded  
housing that  
requires landlords  
to check status.**



**Landlords may  
ask for  
information  
necessary for  
credit check  
before renting a  
unit.**

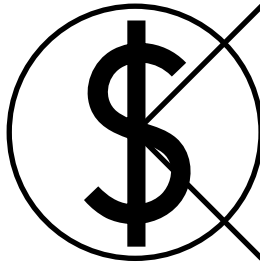


**Tenants must  
continue paying  
rent until they  
move.**

## ITPA



Contact an attorney right away. Call  
MALDEF at 312-427-0701.



If you win a lawsuit against your landlord, you could win:

- Money to pay for any damages that happened
- Additional \$2,000 for each incident
- Money to pay for your lawyer



Discussing (or even mentioning) the tenant's immigration or citizenship status in civil proceedings is prohibited and irrelevant, unless the tenant mentions it or is otherwise necessary to comply with federal law.

# Alternative Documents

**Identity:**

Consulate card, valid foreign passport, I-864 form (sponsorship verification), school ID card with photograph, hospital records, or Chicago CityKey, among other options.

**Past rental history:**

School records, utility bills, copy of lease from former residence, or letter from former landlord with a phone number.

**Credit/Ability to Pay:**

Verification letter from employer, recent pay stub, sponsorship letter or form I-864, Housing Choice Voucher, among other options.

# COVID-19 Emergency Assistance



## Examples:

- IHDA, Cook County, City of Chicago, Welcoming Centers rental & mortgage assistance
- State and local emergency cash assistance

- **Accessing emergency assistance will not harm families seeking to adjust status in future**
- **Housing programs & assistance NOT included in public charge**
- Most emergency assistance programs in IL are available regardless of immigration status



## Discrimination assistance available regardless of immigration status

MALDEF (312-427-0701, only ITPA cases)

Chicago Lawyers' Committee for Civil Rights (312-630-9744)

Open Communities (847-501-5760)

Hope Fair Housing Center (630-690-6500, ext. 119)

Illinois Department of Human Rights:  
Fair Housing Division (312-814-6200)

Chicago Regional Office of FHEO- HUD  
(312-913-8453)

# Discussion

# Thank You for Attending

For more information contact:

Illinois Department of Human Rights

Website: <https://www.illinois.gov/dhr>

Phone: (312) 814-6200

TTY Phone: (866) 740-3953

Email: [Idhr.fairhousing@illinois.gov](mailto:Idhr.fairhousing@illinois.gov)