



FAIR HOUSING RESOURCE GUIDE

Cook County Department of Planning and Development

Although this resource guide contains legal information as well as recommendations for policies and practices, it is intended only as a reference. Landlords and jurisdictions must use their best judgment in deciding how to implement fair housing procedures. Individual cases and circumstances vary widely, and the law is always subject to change through legislative or judicial action. This guide is not intended to serve as a substitute for legal advice or to establish any lawyer client relationship.

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What is Fair Housing?

Communities receiving financial assistance from the US Department of Housing and Urban Development are required to examine and implement strategies to eliminate housing discrimination within their jurisdictions, promote housing opportunities for all protected classes, promote fair housing choice for all people, including housing that is physically accessible to those with disabilities, and maintain records of the identification and actions to remove barriers to fair housing choice.

What is Fair Housing?

A fair housing market is one in which no consumer is more burdened in making housing choices than any other consumer. 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.

What is Affirmatively Furthering Fair Housing (AFFH)?

Affirmatively furthering fair housing goes beyond uncovering discrimination & developing affordable 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. The AFFH process begins with honest and inclusive community conversation and culminates in shaping action plans and other programs that strengthen our neighborhoods and provide the strongest possible foundation for families. It must encompass policies that encourage racial and ethnic integration and include accessibility & housing for larger families. Affirmatively furthering fair housing is accomplished through implementing policies, practices, programs, and development that promotes integration.

Why is Fair Housing Important?

Fair housing goes beyond a physical structure. Affirmatively furthering fair housing creates a housing market which is open, inclusive, and fulfills the diverse needs of all community residents. Fair housing reconnects neighborhoods by ensuring access to quality housing, regardless of race, gender, religious views, familial status, or disability. All citizens have the opportunity to live in close proximity to high-achieving schools, employment opportunities, transportation options, banking services, grocery stores and retail, public services, and public space. Local government reaps benefits from promoting integration by lowering costs for social services, improving revenues through strong property values, and providing a desirable community where households and businesses can thrive.



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Laws Protecting Fair Housing Rights

The US Department of Housing and Urban Development states that equal access to rental housing and homeownership opportunities is the cornerstone of this nation's federal housing policy. Housing discrimination is not only illegal; it contradicts in every way the principles of freedom and opportunity for all citizens.

Fair Housing Act of 1968 prohibits the refusal to sell, finance, rent to, or negotiate with any person on the basis of:

- RACE
- COLOR
- GENDER
- FAMILIAL STATUS (PRESENCE OF MINOR CHILDREN)
- NATIONAL ORIGIN
- RELIGION
- DISABILITY

Title VI of the Civil Rights Act of 1964: prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Sec. 504 of the Rehabilitation Act of 1973: prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Sec. 109 Title I of the Housing & Community Development Act of 1974: prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.

Title II of the Americans with Disabilities Act of 1990: prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968: requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by handicapped persons.

Age Discrimination Act of 1975: prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title IX of the Education Amendments Act of 1972: prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.



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Laws Protecting Fair Housing Rights

Residents of Cook County are protected from discriminatory housing practices by federal, state, and county-wide fair housing laws. Depending on where you live in Cook County, you may also be protected by local fair housing laws. It is important that residents understand fair housing rights and landlords understand and provide training to staff about fair housing laws.

The [State of Illinois Human Rights Act](#) provides additional protection based upon:

- SEXUAL ORIENTATION & GENDER IDENTITY
- AGE (40 and above)
- MARITAL STATUS
- ORDER OF PROTECTION STATUS
- ANCESTRY
- MILITARY STATUS
- UNFAVORABLE MILITARY DISCHARGE

The [Cook County Human Rights Ordinance](#) provides additional protection based upon:

- PARENTAL STATUS
- MILITARY DISCHARGE STATUS
- SOURCE OF INCOME
- HOUSING STATUS

Fair housing laws protect you when you are looking for housing as well as when you are living in rental housing. Prohibited actions by a landlord include, but are not limited to:

- Refusing to rent available housing
- Applying unfair or inequitable criteria when evaluating an applicant/household
- Refusing to rent to a person with a disability or refusing to provide reasonable accommodations or allow reasonable modifications
- Setting unequal rental terms and/or conditions
- Providing unequal levels of service or facilities
- Enforcing rules unequally
- Terminating a tenancy or evicting a tenant for discriminatory reasons
- Threatening or intimidating a person from exercising a fair housing right
- Advertising or making a statement that indicates a lack of preference for a person/household because of their protected class



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Reasonable Accommodations/Modifications

Persons with disabilities face numerous obstacles to securing housing, ranging from architectural barriers to economics and personal history. Fair housing laws recognize these barriers and include important mandates that, if understood and put into practice, will expand housing choice and opportunity for people with disabilities.

According to fair housing laws, **persons with disabilities** include those:

- with a physical or mental impairment that substantially limits one or more major life activities
- with a record of having such an impairment
- regarded as having such an impairment whether they have the impairment or not

In addition to protection from discrimination for tenants with a disability, fair housing laws make it illegal to:

- Fail to make reasonable accommodation in rules, policies, and services to give a person with a disability equal opportunity to occupy and enjoy the full use of a housing unit
- Fail to allow reasonable modification to the premises if the modification is necessary to allow full use of the premises

Determining what is a reasonable accommodation or a reasonable modification requires a balancing of interests and a case-by-case judgment as to what is “reasonable.” Landlords have an affirmative duty to consider and grant reasonable requests for modifications and accommodations from a person with a disability, if necessary to allow them to use and enjoy the housing. While it is unlawful under fair housing laws for a landlord to ask a tenant or prospective tenant if they have a disability, or to ask intrusive questions about a disability, if visible, a landlord must have a procedure to allow a tenant to request a modification or accommodation on their own volition.

What is a reasonable accommodation? Reasonable accommodations include allowing flexibility in the rules, policies, practices or services of the housing to accommodate the needs of a tenant with a disability.

What is a reasonable modification? Reasonable modifications are structural changes to an apartment or house that makes the unit accessible to someone who is disabled. Modifications are generally at the expense of the tenant with a disability and they must seek permission in advance from the landlord. A landlord cannot unreasonably withhold permission, but can require that the tenant agree to restore the housing to its original condition, but only for those rare modifications that will substantially alter the housing for tenants without a disability, such as lowering cabinets. A landlord may be required to provide requested modifications or a portion of the modifications if they received federal funding to acquire, construct, rehabilitate or operate the housing.



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Source of Income Amendment

The Cook County Human Rights Ordinance was amended on May 8, 2013, and now protects Housing Choice “Section 8” Voucher Holders from discrimination. As of August 8, 2013, landlords can no longer legally refuse to rent solely on the basis of a household’s voucher status.

Background

- Voucher holders are no longer exempted from source of income protection at the county level
- Although this protection has been in place in the City of Chicago since 1993, the new county-wide protection goes into effect on August 8, 2013
- 5% of the renters in suburban Cook County have housing choice vouchers
- The majority of voucher holders are families with children, followed by people with disabilities, the elderly, and veterans

The New Housing Choice Voucher Protection

- Residents with Housing Choice Vouchers have the right to be screened on the same basis as non-voucher residents by prospective landlords. Voucher holders still have to meet the criteria of the landlord—for example, pass credit and background checks
- The amendment does not force property owners to rent any or all of their units to households using Housing Choice Vouchers; they are only obligated to consider their application
- Cook County screens for eligibility for the voucher program
- Landlord participation in the voucher program is not overly burdensome. Landlords have to complete four simple forms: the RFTA, the Payment and Ownership Declaration form, the W-9, and the Direct Deposit form
- The amendment does not control rent rates. Landlords can charge whatever rent the market will bear
- The City of Chicago, five Illinois municipalities, ten states, the District of Columbia, and eight counties around the country have laws protecting individuals from discrimination based on use of a Housing Choice Voucher
- Only 5% of tenants in Suburban Cook County have housing choice vouchers

Community Benefits

- Residents in the voucher program will have expanded housing options and are no longer forced to search for housing only in economically depressed and often racially segregated areas of the county
- Landlords in your community will have the opportunity to receive guaranteed rent directly deposited from a secure funding source that is not impacted by economic fluctuations
- Areas of job and educational opportunity in Cook County will be more open to residents with vouchers
- Households with children, people with disabilities, senior citizens, and veterans that use the voucher will have access to quality housing all throughout Cook County
- Through expanded access to areas of opportunity, voucher holders will have enhanced avenues to the necessary components for self-sufficiency—notably, greater job and educational access
- Vouchers bring a diversity of people, ideas, and cultures into a community
- Residents with vouchers are more likely to work and utilize local businesses in the communities where they live, stimulating economic prosperity
- Vouchers make it possible for individuals to “age in place” and remain in a community if they develop disabilities
- Equitable, stable, and inclusive housing patterns increase a town and area’s desirability and economic viability
- Expanding voucher protections ease racial and poverty concentrations throughout the County, furthering regional equity and leading to more housing options for everyone, including market-rate renters and homeowners



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How to File a Complaint

The Cook County Commission on Human Rights investigates, conciliates and, if warranted, holds hearings on complaints of housing discrimination occurring within Cook County. If you believe that you have been discriminated against, you may be able to file a complaint with the Cook County Commission on Human Rights. Visit, call, write or send in a Housing Complaint Information Sheet in order to initiate the complaint filing process.

Basic Information About Complaint

Before a fair housing complaint can be filed, you must complete the Housing Complaint Information Sheet which gives Commission Staff basic information about the complaint you wish to file. The Commission must establish if they have the right to investigate your claim. If for any reason the Commission believes they do not have the authority to investigate your claim, they will advise you of the reason. [Housing Complaint Information Sheet](#)

Prepare Written Complaint

After gathering some preliminary information, the Commission will help you prepare a written complaint. You may also prepare your own complaint or have an attorney prepare one for you. However, if you prepare your own complaint or your attorney prepares one for you, you must use the Commission's Complaint Form below or a substantial equivalent. [Complaint Form for Commission on Human Rights](#)

The complaint must contain a statement of the facts alleged to constitute a violation of the ordinance, including the date and place where discriminating acts occurred and the basis of the discrimination. Your complaint must be signed, notarized and filed with Commission within 180 days of the date of the alleged discrimination. There is no charge or fee for filing a complaint of discrimination.

Investigation

Once you file a complaint with the Commission, the Commission notifies the alleged violator (respondent) about the complaint and requires the respondent to submit a response to the complaint. The complaint is then assigned to an investigator who conducts a neutral fact-finding investigation. At the end of the neutral fact-finding investigation, the Commission determines whether or not there is substantial evidence of discrimination.

Remedies and Relief for Discrimination

If, upon completion of the investigation, the Commission finds substantial evidence of discrimination, the Commission will convene a conciliation conference with the parties and a neutral mediator. The mediator will help the parties attempt to reach a mutually agreeable settlement of the complaint. If the complaint is not settled, the Commission will hold an administrative hearing with a hearing officer.

The Commission can order anyone who has been found to have discriminated to stop the discrimination; to pay actual damages for loss or injury suffered; to hire, reinstate or upgrade a complainant; to lease a house to a complainant; to extend to a complainant the full and equal enjoyment of services of facilities; and to pay all or part of a complainant's costs (including attorneys fees). The Commission may also levy fines of \$100.00 to \$500.00 for each offense.



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List of Fair Housing Agencies

Municipalities must connect with local and regional fair housing agencies in order to stay informed about fair housing issues, prevent housing discrimination, and to ensure that your community is open and inclusive for all. Housing providers should connect with fair housing agencies to learn about fair housing trainings and to ensure that housing practices reflect the laws of the area. As a resident, if you believe your fair housing rights have been violated, contact one of the following fair housing agencies:

Cook County Commission on Human Rights

69 West Washington, Suite 3040

Chicago IL 60602

www.cookcountyil.gov/human-rights-commission-on

312-603-1100

312-603-1101 TDD

City of Chicago Commission on Human Relations

740 North Sedgwick, Suite 400

Chicago IL 60654

www.cityofchicago.org/city/en/depts/cchr.html

312-744-4111

312-744-1088 TTY

Oak Park Regional Housing Center

1041 South Boulevard

Oak Park IL 60302

www.oprhc.org

708-848-7150

Access Living

115 West Chicago Avenue

Chicago IL 60654

www.accessliving.org

312-640-2100

312-640-2102 TTY

Chicago Lawyers' Committee for Civil Rights Under Law, Inc.

100 North LaSalle Street, Suite 600

Chicago IL 60602

www.clccrul.org

312-630-9744



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List of Fair Housing Agencies

South Suburban Housing Center
18220 Harwood Avenue, Suite 1
Homewood IL 60430
www.southsuburbanhousingcenter.org
708-957-4674

Open Communities
614 Lincoln Avenue
Winnetka IL 60093
www.interfaithhousingcenter.org
847-501-5760

HOPE Fair Housing Center
245 West Roosevelt Road, Building 15, Suite 107
West Chicago IL 60185
www.hopefair.org
630-690-6500

John Marshall Fair Housing Legal Support Center
315 S. Plymouth Court, Suite CBA 800
Chicago IL 60604
www.jmls.edu/fairhousing/center
312-987-2397

Illinois Department of Human Rights
100 West Randolph Street, 10th Floor
Chicago IL 60601
www2.illinois.gov/dhr
312-814-6200
866-740-3953 TTY

US Department of Housing & Urban Development
451 7th Street SW
Washington, DC 20410
Main - www.hud.gov/fairhousing
Fair Housing & Equal Opportunity - www.hud.gov/offices/ftheo
202-708-1112
202-708-1455 TTY





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