

The Just Housing Amendment to the Human Rights Ordinance



What does the Just Housing Amendment (JHA) do?

1. Prohibits housing discrimination based on an individual's covered criminal history; and
2. Requires that landlords considering an individual's covered criminal history perform an individualized assessment prior to denying any application for housing.

What should no longer be present on housing applications?

A question asking if an applicant has a criminal record should not appear on housing applications.

What should not be on housing listings and advertisements?

Landlords may not say "no felons," "no sex offenders," "no convicted drug dealers," "no criminal history," or "no arrest history."

Can having a criminal background result in automatic denial of a housing application?

No. A landlord cannot consider criminal history that is more than three (3) years old, and a landlord must conduct an individualized assessment of any criminal history that is less than three (3) years old.

What should now be given as part of a housing application?

1. Tenant Selection Criteria, which describes how an applicant will be evaluated.
2. Notice of the applicant's right to dispute inaccuracies relevant to criminal history and to provide evidence of rehabilitation or other mitigating factors related to their criminal background.
3. A copy of Part 700 of the Commission's procedural rules or link to Commission on Human Rights website with address, email, and phone number.

What is the process required by the JHA tenant screening process?

Step One: Prequalification

During this step, a landlord may screen a tenant to determine whether the tenant satisfies all the application criteria such as income, rental history, credit score, pets, etc.

Criminal background checks cannot be performed during Step One. When this first step is completed, the landlord must either: 1) pre-qualify the applicant based on all criteria except those related to criminal history; or 2) deny the application based on failure to satisfy the prequalification criteria.

Step Two: Criminal Background Check

Only after an applicant is prequalified may a landlord conduct a criminal background check and individualized assessment.

Step Three: Approval or Denial and Right to Dispute

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