

# **Cook County Fair Housing Information Session**

Cook County Department of Planning & Development  
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# Fair Housing Laws

- 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 person
- Applies to all housing transactions: rentals, sales, leases, sub-leases, advertising, loans, appraisals, insurance and zoning





# Fair Housing Laws

- Fair Housing Act of 1968: makes it illegal for an owner to refuse to rent to someone or to otherwise discriminate against a tenant on the basis of race, color, religion, sex, familial status, national origin, or disability
- Illinois Human Rights Act: this act identifies additional protected classes which include: sexual orientation and gender identity, age (40 and above), marital status, order of protection status, ancestry, military status, or unfavorable military discharge
- Cook County Human Rights Ordinance: this ordinance identifies additional protected classes which include: parental status, **source of income**, or housing status





# Additional Fair Housing Laws

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Title II of the Americans with Disabilities Act of 1990
- Architectural Barriers Act of 1968





# Fair Housing + Jurisdiction Responsibility

- **Each community is required to:**
  - Publish a phone number for residents to call with fair housing questions or complaints
  - Designate an employee of the local government, to act as the Fair Housing Contact, who will generally be accessible Mon-Fri during regular business hours to receive phone calls and inquiries
  - Establish a system to record the nature of the calls, the action taken and result of the action taken
  - Establish and implement a process to receive fair housing complaints. Records must describe the type of referral, copies of housing discrimination complaint records, date of the referral, and any follow-up action





# Fair Housing + Jurisdiction Responsibility

- Develop and distribute fair housing information and materials (posters, brochures, or materials) to area agencies, organizations, or public events
- The telephone number (including a telephone number for use by the hearing impaired) of the local fair housing contact must be included in this information or materials
- A list of the places of distribution, proof of distribution, dates of distribution, and quantities of material distributed must be maintained





# Fair Housing + Jurisdiction Responsibility

Identifying fair housing concerns, existing conditions or barriers that limit housing choice and a plan for mitigating or remedying the impediments are an on-going process:

Your analysis of impediments must include:

- Clear analysis of collected information
- Identify fair housing impediments, problems and concerns
- Outline changes needed to remedy or overcome the impediments
- Include a plan of action with a timeline
- Records showing actions taken





# Fair Housing Employee Training

- Every time a new employee joins the staff there should be a training meeting about fair housing laws and how to comply with them
- Be sure they understand, and follow, the requirements of fair housing laws
- Laws and policies change, employees should be trained approximately every 5 years
- When an employee breaks the law while on duty, both the employee and the employer can be held responsible by the harmed party





# Advertising

- Advertising is not just newspaper ads, but also bulletin boards, shoppers, newsletters, word of mouth
- Advertise the characteristics of the property, not characteristics of people
- May advertise for roommates of one sex if living space is shared
- Do not discourage property seekers because of protected characteristics





# Steering

- Landlord attempts to direct a resident, for whatever reason, to a specific area of the property
- To avoid claims of “steering”, show all available properties to prospects, let the prospect decide what to see and what to skip, and finally present only facts about the property and the community, not about other residents or neighbors
- Failing to show a handicapped person the recreational areas (on the assumption the prospect would not use those facilities) may create potential liability





# Families with Children

- Familial status is defined as the presence of children under age 18, pregnant women, or person seeking or sharing custody of children
- Families should not be discouraged to live in an area because, “this wouldn't be a good place for a family”. Let the tenant make that decision
- *Examples:*
  - Refusal to show or rent an apartment because a family has young children
  - Landlord steering a family to specific unit or building, saying it is “family friendly”
  - “No kids” advertisement





# Occupancy Standards

- Current HUD guidelines are two persons per average-sized bedroom
- Standard refers to “persons” - do not specify adults or children , male or female
- May limit an efficiency apartment to one person
- Mobile home parks: standard based on size of home, not number of persons per lot





# Source of Income

Under the Chicago and Cook County Fair Housing Ordinances, it is illegal to refuse to rent or otherwise discriminate against a person in housing because of their source of income.

- “Source of income” means the lawful manner by which a person supports oneself and his or her dependents.
- Applies to all forms of government or legally imposed subsidies paid to individuals/families including Housing Choice Vouchers (Section 8), child support, social security or disability payments





# Definition of a person with a disability

- Any persons who has a physical or mental impairment that substantially limits one or more major life activity, has a record of such impairment, or regarded as having such impairment
- Doesn't include - current illegal drug use and alcohol abuse
- Direct threat to health and safety (eg smoking is an addiction, but it is not protected, you can have a “no smoking” restriction in the unit and on the property)





# Reasonable Accommodations

- A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces
- Landlords should not offer to make an accommodation to a resident but should wait for a resident to request the accommodation.





# What is Reasonable?

- The requested accommodation must be reasonable:
  - Does not impose an undue financial and administrative burden on housing provider
  - Does not fundamentally alter the nature of the housing providers operation
  - The determination is made on a case by case basis





# Verifying Reasonable Accommodations

- May request documentation of the need - only to extent necessary to verify disability and if accommodation is needed
- May not acquire confidential medical records or inquire into the nature or severity of persons disability
- Verification of disability and need for accommodation can be from: medical prover, Licensed Health Provider, Professional representing social service agency, Disability agency or clinic or other provider that can verify the disability





# Examples of Reasonable Accommodations

- Provide adequate handicapped parking
- Allow changes in rules for paying rent
- Permitting more “clutter” allowing more time to comply with notice to clean up
- Permitting a tenant with mobility problems to move from the second or third floor to the first floor





# What are Reasonable Modifications?

- Physical modifications or changes needed to provide full enjoyment of this building
- Landlords may require a resident to pay for modifications to the property and require that those modifications be removed when the resident vacates the property.





# Examples: Reasonable Modifications

- entrance ramp
- grab bars in bathroom
- widening doors
- removing carpet
- installation of lever doorknobs
- accessible mailboxes or trash receptacle
- removing cabinet under sink
- disconnecting a stove and installing a microwave oven
- doorbell light signal for hearing impaired
- relocation of switches





# What is Reasonable?

- Reasonable modification must be “reasonable”
- The landlord can ask for assurances that the work will be done properly and according to code
- The landlord may require the change be undone if not acceptable to the next tenant or the landlord may require a deposit to cover the cost of the restoration





# Affirmatively Furthering Fair Housing

- All HUD-Funded jurisdictions including State and Local, sign a certification committing to Affirmatively Further Fair Housing. HUD defines AFFH as:
  - Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
  - Take appropriate actions to overcome the effects of any impediments identified through the analysis
  - Maintain records reflecting the analysis and actions taken in this regard





# Affirmatively Furthering Fair Housing

- **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.
- **Affirmatively Furthering Fair 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.





# Benefits of Affirmatively Furthering Fair Housing

- Identifies challenges and strengths in the community
- Shapes strategies to meet the unique needs of your area
- Understanding of how your community fits into the region
- Prevents duplicated efforts
- Links housing to other opportunities
- Cost savings and economic benefits
- Limit risk of legal liability
- Provides access to opportunity for all residents
- Encourages decent housing for all residents
- **Fulfills the new HUD proposed fair housing rule**





# HUD Proposed Rule

- Proposal published July 19<sup>th</sup>, 2013
- Replace fair housing assessment and planning process requirements
- Better address discrimination and foster inclusive communities
- Promotes choice and opportunities for integrated housing
- HUD uniform data sets related to fair housing issues





# Housing Counseling + AFFH

If an organization receives federal funding, they must take reasonable steps to affirmatively further fair housing and to ensure that persons are not denied housing counseling services or treated differently on the basis of race, color, sex, religion, national origin, disability, or familial status

- Identify Impediments to Fair Housing Choice
- Specify Activities to Affirmatively Further Fair Housing
- Reporting





# AFFH + Lending Institutions

Lending institutions have an AFFH responsibility because their prudential regulators have AFFH obligations under the Fair Housing Act of 1968, as amended, Title VI of the 1964 Civil Rights Act, the Community Reinvestment Act and Executive Order 12892.





# AFFH + Lending Institutions

Executive Order 12892

LEADERSHIP AND COORDINATION OF FAIR HOUSING IN FEDERAL PROGRAMS: AFFIRMATIVELY FURTHERING FAIR HOUSING

Section 1. Administration of Programs and Activities Relating to Housing and Urban Development. 1-101. Section 808(d) of the Act, as amended, provides that all executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development to further such purposes. 1-102.





# AFFH + Lending Institutions

Executive Order 12892 (Continued)

LEADERSHIP AND COORDINATION OF FAIR HOUSING IN FEDERAL PROGRAMS: AFFIRMATIVELY FURTHERING FAIR HOUSING

As used in this order, the phrase programs and activities shall include programs and activities operated, administered, or undertaken by the Federal Government; grants; loans; contracts; insurance; guarantees; and Federal supervision or exercise of regulatory responsibility (including regulatory or supervisory authority over financial institutions).





# Access to Opportunity

- Opportunity areas have:
  - Access more integrated setting
  - Access to better than average schools
  - Access to jobs, especially entry level
  - Access to transportation options – Metra & CTA
  - Access to health care services
  - Are not areas of concentrated poverty
  - Are often not areas that are already integrated – Isolation (segregation)





# For Each Area of Opportunity

- Identify elements of opportunity
  - Better than average schools
  - Jobs, especially entry level
  - Health care access
  - Commercial/retail access
  - Access to effective transportation
  - Relatively low crime rate
  - Availability of infrastructure
  - Recreational areas
  - Libraries





# For Each Area of Opportunity

- Identify areas where affordable housing options are lacking
  - Examine existing affordable housing options and location
  - Examine availability of Section 8 units in area
  - Examine availability of accessible housing in area
  - Examine availability of housing for homeless persons
  - Availability of housing for persons with disabilities
    - Supportive housing
    - Other





# Creating Linkages to Areas of Opportunity

- Special issues to think about:
  - Affirmative marketing
  - Transportation needs of different populations
  - Access to services
  - Mobility counseling
  - Potential need for community supports and networks; sustained connection to new communities





# For More Information

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