


**FAIR HOUSING BASICS FOR
LANDLORDS AND PROPERTY MANAGERS**




 **Illinois Department of Human Rights**
March 2019

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AGENDA

- Welcome
- Introduction
- Fair Housing Overview
- Examples of Housing Discrimination
- Best Practices
- Close

Disclaimer:
This presentation is intended for educational and informational purposes only, not legal advice.

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ILLINOIS DEPARTMENT OF
Human Rights

- Government agency that enforces the Illinois Human Rights Act (IHRA)
- Conducts neutral and fair investigations of discrimination in real estate transactions, employment, public accommodations and sexual harassment
- Conducts outreach and provides training for a variety of groups



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WHAT IS FAIR HOUSING?

The right for all people to:

- live wherever they choose
- have access to housing (seek, purchase, sell, lease or rent)
- enjoy the full use of their homes

without discrimination!



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WHAT IS HOUSING DISCRIMINATION?

- Unlawful Discrimination = Action + Protected Class
- Unlawful Discrimination = Rule/Policy+ Unfair Practice or Negative Impact



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HOUSING DISCRIMINATION IN THE U.S.



In 2017, there were

28,843

reported complaints of housing discrimination
across the USA.



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**Source: National Fair Housing Alliance 2017 Trends Report*

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FAIR HOUSING COMPLAINTS BY BASIS (2017)

- Disability: 16,337 cases (56.7%)
- Race: 5,346 cases (18.5%)
- Familial Status: 2,675 cases (9.3%)
- National Origin: 1,951 cases (6.8%)
- Sex: 1,917 cases (6.7%)



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FAIR HOUSING COMPLAINTS BY ISSUE (2017)

- Discriminatory terms, conditions, privileges, services, facilities: 68.9%
- Failure to make a reasonable accommodations: 41.1%
- Discriminatory refusal to rent: 29.5%
- Retaliation/Coercion/Intimidation: 17.8%
- Discriminatory advertising/statements/notices: 10.1%
- Discriminatory financing: 2.2%



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APPLICABLE LAWS

- The Federal Fair Housing Act - enforced by HUD
- Illinois Human Rights Act - enforced by IDHR
- Local Ordinances



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PROTECTED CLASSES (Federal Fair Housing Act)

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



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ADDITIONAL PROTECTED CLASSES (Illinois Human Rights Act)

8. Ancestry
9. Age (40 and over)
10. Marital status
11. Pregnancy
12. Military status/Unfavorable discharge from military service
13. Sexual orientation and Gender identity
14. Order of Protection Status



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LOCAL ORDINANCES

Under 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.

Illinois towns & cities: Harwood Heights, Morton Grove, Park Ridge, Urbana, Wheeling, and Naperville (2016)



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EXAMPLES OF DISCRIMINATION

- Refusals to Rent
- False statements about availability
- Steering
- Retaliation and Interference
- Mishandling requests for accommodations/modifications
- Discriminatory advertisements or statements



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WHO'S RESPONSIBLE FOR FOLLOWING THE LAW?

- Landlords and Property Owners
- Leasing Agents
- Management Companies
- Neighbors
- Real Estate Agents
- Lenders and Insurers
- Developers and Architects
- Newspapers, advertising agencies
- Cities, counties & U.S. Gov't



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REASONABLE ACCOMMODATIONS

Reasonable Accommodations = exception or modification to a housing provider's rule, policy, regulation, practice, program, or service that will help a person with a disability have an equal opportunity to access and use the unit and common areas.

The request for an accommodation must be both reasonable and necessary.



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REASONABLE MODIFICATIONS

Reasonable Modifications = a structural change to the unit or common area so that the person with a disability can access and use the premises.

The request for a modification must be both reasonable and necessary.



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REASONABLE MODIFICATIONS – MORE INFO

- Housing providers must allow for “reasonable modifications” necessary for full use and enjoyment of the premises
- “Premises” = interior of unit, lobbies, main entrances, and other public and common use areas of a building
- Modifications may be made at any time (i.e., not just beginning of a tenancy)



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DEFINITION: REASONABLE AND NECESSARY

A request is **not reasonable** if it imposes an undue financial and administrative burden on the housing provider or fundamentally alters the basic operation or nature of a housing provider’s services or programs by significantly modifying, eliminating, or adding to the services it provides.

A request is **necessary** if there is a nexus or disability-related need for the accommodation to enable equal access and use of the dwelling.



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COMMON REASONABLE ACCOMMODATIONS ISSUES - PARKING

PARKING

If a housing provider offers parking for residents, the housing provider must reasonably accommodate a person with a disability by making an exception to its parking policies.

1. Common use parking lot or spaces
2. Deeded or leased parking spaces



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COMMON REASONABLE ACCOMMODATIONS ISSUES – ASSISTANCE ANIMALS

ASSISTANCE ANIMALS

A resident may request an exception to a housing provider's pet policies as a reasonable accommodation for their disability to allow an assistance animal.

An Assistance Animal is any animal that performs tasks or emotional support to lessen the effect of a disability.



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COMMON REASONABLE ACCOMMODATIONS ISSUES – TRANSFER/LEASE TERMINATION

EARLY TERMINATION OF LEASE OR TRANSFER TO ANOTHER UNIT

Residents with disabilities who reside in a unit that is not accessible may request as an accommodation to:

- Leave the unit early;
- Transfer to another unit; or
- Transfer to another building



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COMMON REASONABLE ACCOMMODATIONS ISSUES - HOARDING

HOARDING

If a person's practice of hoarding constitutes a disability or results from a disability, the person may request an accommodation from the housing provider.



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COMMON REASONABLE MODIFICATIONS ISSUES - AESTHETICS

AESTHETICS

A housing provider cannot deny a request for a reasonable modification because the housing provider is concerned regarding the aesthetics of the modification.

A housing provider may require a more aesthetically pleasing design if the housing provider is willing to pay any additional costs associated with the design.



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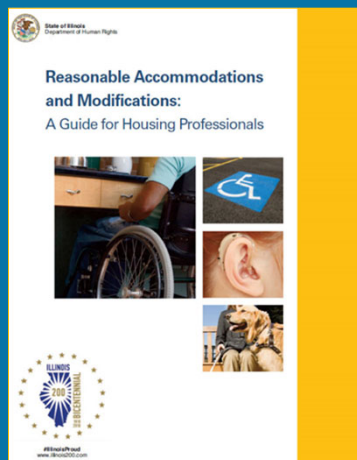
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IDHR'S GUIDEBOOK ON REASONABLE ACCOMMODATIONS AND MODIFICATIONS

Found on IDHR Website:

www.illinois.gov/dhr

Under Publications Tab



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IDHR'S RA/RM GUIDEBOOK: KEY FEATURES

Key Features

1. How to handle requests
2. The interactive process
3. Complex issues such as assistance animals, parking, criminal history, hoarding, restoration and more
4. Issues unique to condo/co-op associations, municipalities, and public housing authorities
5. "Pro Tips"
6. Examples



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IDHR INTAKE PROCESS

- Jurisdiction: Is housing covered or is it exempt?
- Is it a landlord-tenant issue?
- Is it within the time limitations?
- Is the action based on a protected class?



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IDHR INVESTIGATIONS

- IDHR conducts fair and neutral investigations
- Listens to all parties
- Interviews relevant witnesses/Obtains relevant documents
- Attempts voluntary resolution
- Writes a report with conclusions
- Complainant may file Request for Review or move forward in the process



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POSSIBLE PENALTIES

- “Make whole” damages
- Emotional damages
- Injunctive relief/ Punitive damages
- Civil penalties
- Attorneys fees and costs
- Settlement agreements can include both monetary and injunctive relief
- All persons involved can be charged and sued personally, plus vicarious liability



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BEST PRACTICES

- Continue to learn about fair housing laws
- Be clear about what laws apply to you.
- Know what is prohibited
- Train staff and agents
- Challenge your stereotypes (attend diversity training)
- Be professional, responsive, and consistent
- Be aware of statements and ads (verbal or written)
- Develop and apply standard policies
- Seek professional assistance when needed



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Thank you!

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