



Village of Oak Park Fair Housing Investigation

HOPE Fair Housing Center

October 1, 2024

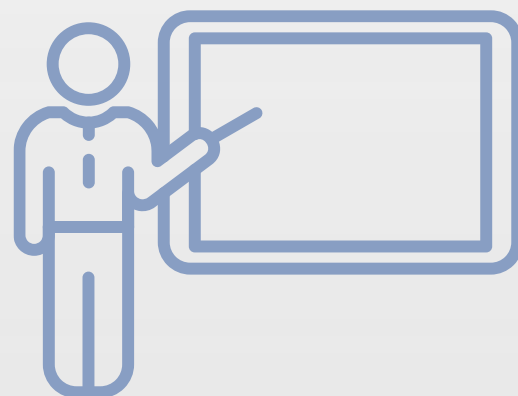


Agenda

- 1 About HOPE
- 2 What are Source of Income & Just Housing Amendment Protections?
- 3 What is Testing?
- 4 Investigation Findings
- 5 Recommendations
- 6 Q&A



Disclaimer



HOPE provides education, outreach, and resources to inform people about fair housing rights.



The information we are presenting today is **NOT** intended to be legal advice.



Please consult a lawyer for legal counsel on specific matters.



HOPE
FAIR HOUSING CENTER

About HOPE

Our mission is to work to create greater housing opportunities for all. We want to ensure everyone has the chance to live in the place of their choice, free from illegal discrimination.



What We Do



intake



testing



policy change



investigation



outreach



education





**What Are Source of Income
and Just Housing
Amendment Protections?**

What is Fair Housing?

The right for all people to...

- Live where they choose
- Have access to housing
- Enjoy full use of their home



Without...

- Unlawful discrimination
- Interference
- Coercion
- Threats
- Intimidation



What is Housing Discrimination?

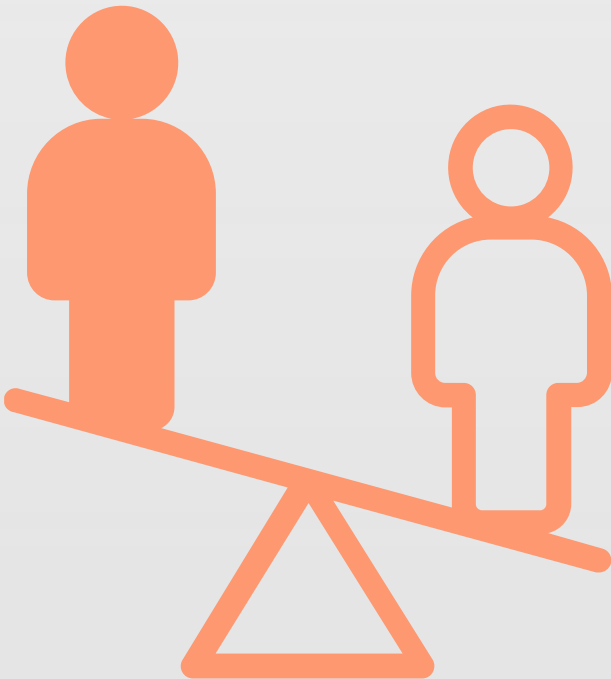
PROHIBITED
ACT

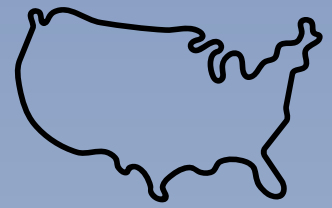


PROTECTED
CLASS



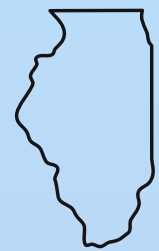
ILLEGAL
DISCRIMINATION





Federally Protected Classes

- Race
- Disability
- Sex
- National Origin
- Color
- Religion
- Familial Status



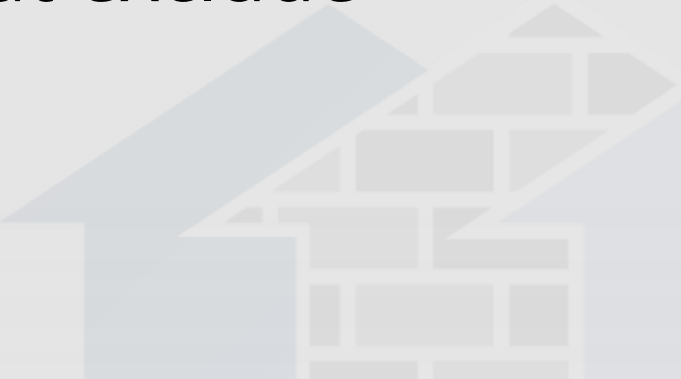
Illinois Protected Classes

- Sexual Orientation
- Ancestry
- Marital Status
- Gender Identity
- Arrest Record
- Age (40+)
- Order of Protection Status
- Military Status
- Source of Income
- Immigration

What is a Prohibited Act?

An instance in which a person is harmed/treated differently in a manner that denies them housing or the ability to enjoy their housing.

Examples:

- Refusing to rent or lying about housing availability
 - “Steering” - only showing units in a specific area, typically as a form of segregation
 - Denying access to amenities
 - Charging additional / higher fees
 - Requiring different application criteria
 - Ads or statements that exclude a certain group
- 

What Does Source of Income Mean?

The Illinois Human Rights Act and Cook County Human Rights Ordinance prohibit discrimination against a person based on their source of income within a housing transaction.

Under the IL Human Rights Act, Source of Income is defined as:

“Source of Income is the lawful manner by which an individual supports himself or herself and his or her dependents.”



What does Source of Income Discrimination Look Like?

*Source: Illinois Department of Human Rights. Source of Income Discrimination: Frequently Asked Questions

Examples:

- **Preferring tenants with employment income over tenants with other sources of income.**
- **Discouraging applicants with non-employment income from applying**
- **Advertising or making statements such as “No Section 8” or similar limitations**
- **Screening out applicants receiving Social Security or other government assistance**
- **Rejecting applicants who cannot provide pay stubs or W2 forms**

Examples (cont.) :

- **Refusing to process, or delaying, a person's application because they intend to use a Housing Choice Voucher**
- Rejecting housing applicants who rely on child support payments
- Falsely telling an applicant that a property is not available because the landlord wants to rent to someone with a different source of income
- Charging higher fees or requiring different terms and conditions because a person receives income from non-employment source



What is the Just Housing Amendment?

The Cook County Human Rights Ordinance prohibits discrimination against a person based on their “covered criminal history.”

Under the Just Housing Amendment to the Cook County Human Rights Ordinance, “covered criminal history” is defined as:

“ Covered criminal history means information regarding an individual's arrest, charge or citation for an offense; participation in a diversion or deferral of judgment program; record of an offense that has been sealed, expunged, or pardoned in accordance with applicable law; juvenile record; and conviction.”



What the Just Housing Amendment Requires

[Just Housing Amendment - Process and Individualized Assessment Tool](https://www.cookcountyil.gov/content/just-housing-amendment-human-rights-ordinance)
(<https://www.cookcountyil.gov/content/just-housing-amendment-human-rights-ordinance>)

Toni Preckwinkle, President
Cook County Board of Commissioners
Sisavanh Baker, Director
Angie Cowan Hamada, Chairperson



69 W. Washington, Suite 1130
Chicago, IL 60602
P: (312) 603-1100
F: (312) 603-9988
human.rights@cookcountyil.gov

Cook County Commission on Human Rights

Just Housing Amendment Screening Process

Step One: Prequalification

This step includes checking the applicant's credit history, employment, income, payment delinquencies, bankruptcies, etc.

If the applicant passes pre-qualification, then the landlord moves on to Step Two.



Step Two: Criminal Background Check

This step screens **ONLY** the three (3) year criminal history of the applicant. Any convictions older than three (3) years **MAY NOT** be used to deny a housing application. If a conviction is found, the landlord must conduct an individualized assessment.

Based upon the individualized assessment, the landlord must notify the applicant of an approval or denial.



Step Three: Approval or Denial and Right to Dispute

If the applicant passes both checks, they will receive notification of approval. If they did not pass Step One or Step Two, the landlord may deny the application, and the applicant has the right to dispute the denial.

What is Testing?



Testing is an important investigative tool that fair housing centers use to uncover discrimination and/or ensure compliance with fair housing laws.

- Covert investigation
- Used to measure and document differences in information and service given to various home seekers by housing providers

A Tester's role is to gather detailed information about a housing transaction.

The tester reports on their experience objectively, for example:

- who they met or spoke with
- units they saw
- costs and lease terms quoted
- policies stated

Testers do not draw conclusions.

Investigative Findings: Source of Income

HOPE investigated six housing providers with a focus on Source of Income policies.

HOPE investigated whether they:

- accept vouchers,
- have policies adversely impacting voucher holders (such as minimum income policies),
- imposed other barriers to voucher holders accessing housing.

Notably, each investigation revealed evidence of discrimination.

(cont.)

Housing Provider ID	Income Policies	Violation
2	<ul style="list-style-type: none">• 3.5x rent minimum income requirement• Applied to sum of HCV + income	<ul style="list-style-type: none">• Income requirement applied to more than just tenant portion in violation of IDHR guidance.
4	<ul style="list-style-type: none">• 3x rent minimum income requirement• Applied to sum of HCV + income	<ul style="list-style-type: none">• Income requirement applied to more than just tenant portion in violation of IDHR guidance.



(cont.)

Housing Provider ID	Other Violations, Barriers and Deterrents
1	Shared concerns about how utilities work with voucher program, discouraged caller from applying
2	Told caller to take all questions to the housing authority, discouraged caller from applying
3	Shared concerns about how utilities work with voucher program, discouraged caller from applying
5	HOPE uncovered evidence of race-based discrimination
6	Complained about voucher program, discouraged caller from applying



Investigative Findings: Just Housing Amendment

HOPE investigated seven housing providers with a focus on arrest/conviction record policies. HOPE investigated whether housing providers have policies that violate the Just Housing Amendment (JHA) in how they consider an applicant's conviction record.

HOPE could only determine how one housing provider assesses conviction records.

No housing provider could share details about their policy or how a record would impact an application when asked.

Most stated that they worked with a third-party screening company, and some indicated that the screening company sets its own policies and makes its own decisions.



(cont.)

Similarly to the source of income investigations, while no housing providers explicitly stated a blanket “no convictions” policy, **no housing providers were able to specify their policies** to potential applicants as required by the JHA.

This **deters potential applicants** from applying and **erects barriers** for housing seekers with records, especially in the context of high cost non-refundable application fees.



Recommendations

- 1 Transparency of tenant qualification criteria.
- 2 Fair housing education and outreach for housing providers.
- 3 Fair housing education and outreach for current and prospective residents.
- 4 Fair housing enforcement.



Contact Us



630-690-6500



hopefair.org



info@hopefair.org

michael.chavarria@hopefair.org

