



FREQUENTLY ASKED QUESTIONS About Fair Housing

1. What is fair housing?

Fair housing is the ability to live wherever you wish irrespective of your race, color, national origin, ancestry, religion, age (over 40), disability, sex, sexual orientation, gender identity, marital status, parental status, military status, and lawful source of income (e.g., employment, Section 8 Housing Choice Voucher, Social Security benefits).

2. Why is fair housing important?

Housing plays a large role in defining a person's quality of life. Where you live affects your access to community amenities such as transportation, employment, medical facilities, schools, retail and professional services, and much more.

3. What is housing discrimination?

Under the Chicago Fair Housing Ordinance, housing discrimination is denying someone equal access to housing **because** of that person's race, color, national origin, ancestry, religion, age (over 40), disability, sex, sexual orientation, gender identity, marital status, parental status, military status, and lawful source of income. It is also a violation of the Ordinance for the landlord or property manager to retaliate against a tenant because he or previously filed a complaint against them at the Commission.

4. Is the Chicago Fair Housing Ordinance similar to the Chicago Residential Landlord Tenant Ordinance?

No. The Chicago Fair Housing Ordinance protects housing seekers (renters and purchasers) and residents from discrimination based on the "protected classes" listed above. The Chicago Residential Landlord Tenant Ordinance (RLTO) ([insert link](#)) protects the health, safety and welfare of renters in Chicago, and provides for the rights and obligations of landlords and tenants.

5. What are some examples of housing discrimination?

A property owner or manager may refuse to sell or rent a housing unit; post a discriminatory notice or advertisement; apply different terms and conditions to the sale or rental of housing; engage in steering, block-busting or panic peddling; terminate someone's tenancy or ownership rights; engage in harassment or sexual harassment; or fail to accommodate a tenant or applicant's disability or religion...**because** of one of the protected classes above.

6. How can I tell if I was discriminated against?

Discrimination can take many forms but some common examples might be: Your landlord treats you differently from others who are not of your race, sex, age, disability, sexual orientation or other protected class. For example, you are evicted; or your landlord or property manager uses derogatory language toward you in reference to your race, sex, age, etc. Discrimination can also include unwelcome sexual conduct (sexual harassment) and failure to accommodate a disability or a religious practice.

7. What questions can a landlord ask on a rental application?

An application serves one legitimate purpose: To give the landlord information about whether you will be a good tenant. If any of the questions do not seem to serve this purpose, you ought to ask the landlord why he or she needs the information. Examples of information which the landlord is permitted to ask include, the names of everyone who will reside in the housing, the places where you lived the past few years, your place of employment, amount of income, financial information concerning debt, and whether you are over 18 years of age.

8. What is steering?

Steering occurs when a landlord or property manager (a) discourages or encourages the purchase or rental of housing in a specific community, neighborhood or development **because** of a housing seeker's protected class, or because of the protected class of other persons in the community, neighborhood or development; (b) discourages the purchase or rental of a housing unit by exaggerating drawbacks or failing to inform the housing seeker of desirable features of a dwelling or of a community, neighborhood or development; (c) communicates to the housing seeker that he or she would not be comfortable or compatible with existing residents of a community, neighborhood, or development based on the protected class of the housing seeker or current residents; or (d) assigns or directs a housing seeker to a particular section of a community, neighborhood, or development, or to a particular floor of a building, based on the housing seeker's protected class.

9. If I have a disability, is the landlord required to make modifications to the housing or otherwise accommodate my disability?

Landlords and property managers are not required to make modifications to a housing unit. However, a person with a disability may make reasonable modifications to the dwelling or common areas *at his or her expense*, and may request reasonable accommodations to rules, policies, practices, amenities or services, such as allowing service or support animals regardless of a "no pet" rule.

10. What can I do if I believe I have been discriminated against?

If the housing at issue is located in the City of Chicago **and**, the conduct you are complaining about occurred within the previous 180 days, you may file a discrimination complaint at the Commission on Human Relations. There is no fee to file a complaint at the Commission.

11. Because I was the victim of discrimination, does the Commission on Human Relations represent me?

No. The Commission does not represent *either party*, although our investigators do assist individuals in filing complaints to make sure the Commission has authority to investigate the case and to make sure that the complaint is in the proper format and that all pertinent information is included. When a discrimination complaint is filed, the Commission acts as a neutral investigator and decision-maker.

12. Do I need to come in person to file a complaint? Is that method best?

You may file a complaint in person with assistance from an investigator, or you may self-file by personal delivery, standard mail, e-mail, or fax. While there is no “best” way to file, if your case is complex or you are unsure what information is important, getting assistance from an intake investigator may be the best method for you.

13. What happens after I file a complaint with the Commission?

Your complaint will be mailed to the other party. Both you and the respondent(s) will receive mailings giving the name of the assigned investigator and deadlines to submit the written information you want considered. The investigator then completes the investigation. Senior attorneys of the Commission review the investigation and decide whether there is “substantial evidence” of the violation alleged. If so, the case goes forward to an administrative hearing and final ruling. If not, the case is dismissed.

14. What type of information do I need to “prove” or show discrimination?

The answer to this question will vary case-by-case. You should give the investigator copies of whatever documents you have about the conduct you claim was discriminatory, information about witnesses with information that supports your claims, and information about documents the Commission may be able to obtain from the respondent. The Commission provides a Supporting Documentation form as a guide.

15. Do I need an attorney to represent me during the investigation?

You are never required to have an attorney but you must still meet the legal requirements to prove your claims or defenses. Both complainants and respondents benefit from legal advice, even at the investigation stage. If the case moves to the hearing stage, it is even more important to have an attorney, as the process is much like a trial. The Commission has a Legal Assistance Information flyer which may help you.

16. How long will it take to investigate my case?

This depends on many factors. First, it could take up two months or more to receive a response from the other party. Second, our investigators are required to complete investigations in the order that they were filed. A full investigation could take up to a year or sometimes more.

17. What do I do if the complaint filed against me is completely untrue?

You must still respond to the allegations against you. This is your opportunity to state your case and provide evidence that supports your side of the story.

18. What will happen if I do not respond to a complaint that was filed against me or my business?

The Commission could issue an order directing you to respond, with the warning that an order of default may be entered against you. Also, the Commission could proceed with the investigation and make a determination without the benefit of any evidence you may be able to present in your defense.

19. What do I do if I would like to settle the case?

During the investigation, you may ask the assigned investigator to facilitate settlement discussions. Or you may contact the other party (or attorney if the party has one) directly to discuss settlement. But keep in mind that no one is ever required to settle or accept particular terms. If you and the other party agree on settlement terms, the investigator or another staff member will explain how to document the settlement and close the case.

20. Can a landlord tell me he or she cannot accept Section 8 Vouchers?

No. It is a violation of the Chicago Fair Housing Ordinance to refuse to rent to an individual only because he or she intends to use a Section 8 Housing Choice Voucher.

21. If my case goes to a hearing, how many witnesses can I bring?

As long as the testimony is relevant, there is no limit on the number of witnesses you may present at the administrative hearing. Nor is there a limit on the number of relevant documents you can introduce into evidence. You should *not* bring witnesses to a settlement conference or pre-hearing conference.

22. Will a court reporter be present at the hearing?

Yes, the Commission provides the court reporter, who prepares a transcript of the administrative hearing which becomes part of the Commission's public record of the case.

23. Once I receive a hearing date, can I change it if it conflicts with my schedule?

Yes, you may be able to change the date of an administrative hearing, pre-hearing conference, or settlement conference by filing and serving a "motion for continuance." Also, you can move for an "extension of time" to meet a filing deadline. The Commission has forms you can use. Your motion must provide "good cause" for the change.

24. Once the case moves to the hearing stage, can I still settle with the other party?

Yes, you can settle up to the time a final ruling is entered after an administrative hearing. You will need to submit certain documentation to close the case. You may contact Commission staff about what to do if you reach a settlement at the hearing stage.