



KNOW YOUR FAIR HOUSING RIGHTS

A guide for voucher holders in Cook County.
Learn what landlords can and can't do —
and what you can do if they break the law.



CHICAGO AREA FAIR HOUSING ALLIANCE



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YOUR HOUSING RIGHTS

The purpose of this guide is to learn:

- What your fair housing rights are as a voucher holder
- How to get help if you have experienced discrimination or illegal actions from a landlord
- How to be a part of the housing rights community

HOW THE LAW PROTECTS YOU

In Cook County, a landlord cannot deny you housing or treat you differently because of these reasons:

- Race (including, but not limited to, hair texture and protective styles)
- Color
- Religion
- Sex
- National Origin (the country where you or your ancestors were born)
- Ancestry
- Disability (physical and/or mental)
- Familial Status (having children under 18 in the household, gaining custody of or adopting a child)
- *Pregnancy Status
- Age (if over 40)
- Marital Status
- Sexual Orientation
- *Gender Identity
- *Ethnicity
- *Caste
- *Bodily Autonomy
- Military Discharge Status
- Source of Income (including use of Housing Choice Vouchers)
- Housing Status (if you are or have been homeless, a renter, or a homeowner)
- Gender Identity
- Covered Criminal History (arrests and most *convictions more than three years old)
- *Immigration Status (Effective 1/1/2024, Illinois Human Rights Act)
- Order of Protection Status (Illinois Human Rights Act)

**Recently-added protections*

FACT #1: LANDLORDS CAN'T DISCRIMINATE AGAINST YOU BECAUSE YOU USE A VOUCHER.

The law says that landlords cannot discriminate against someone who uses a Housing Choice Voucher to pay all or part of their rent in Chicago and Cook County.

It may not be easy to spot when this is happening Or sometimes, these actions feel so common, we think it's normal or okay.

EXAMPLES OF VOUCHER DISCRIMINATION

A landlord:

- Says they don't take vouchers in their ad
- Says they won't rent to you because of your voucher
- Says you have to have an income three times the total rent amount
- Doesn't do the voucher paperwork or schedule the inspection
- Treats you differently such as charges a different amount of rent or extra fees, or won't make repairs or upgrades that other renters get
- Says the apartment is rented or not available (but it is a lie)

None of these examples are allowed. They are all various forms of discrimination and should be reported.

FACT #2: LANDLORDS CAN'T ASK IF YOU HAVE AN ARREST OR CONVICTION ON AN APPLICATION.

First, when choosing a candidate for an available unit, landlords must consider factors related to the business aspect of the real estate transaction. For example: your income, credit history, and/or landlord references. If you meet other application requirements, a landlord can then run a background check.

LANDLORDS CANNOT CONSIDER:


- Conviction records more than three years old
- Arrests, charges, or citations
- Participation in a diversion or deferral program
- Sealed, expunged, or pardoned records
- Juvenile records

Landlords can consider conviction records from the last three years, but only after allowing you to discuss your record and share more information such as:

- Your history as a tenant
- Providing a Reasonable Accommodation if your conviction is related to a disability
- Your age at the time of conviction
- Evidence of rehabilitation
- Court-issued good conduct certificates
- Letters of recommendation
- Education or vocational training
- Participating in transitional programs
- Other relevant information or documents

A LANDLORD CAN DENY YOUR APPLICATION IF...

- your application does not meet other requirements such as income, credit history, or landlord references
- the denial is because of registration/residency restrictions for sex offenses
- when your conviction is from the last 3 years and the landlord gives you a chance to discuss it, but still decides you are a risk to people or property.



IMPORTANT: If a landlord denies you for this reason, they must provide you with:

- Copy of any background checks they used
- An opportunity to respond to the accuracy and relevancy of your conviction history
- A copy of their selection criteria
- Reasons why denying your application is necessary to protect the personal safety or property of others

TIPS IF YOU HAVE A CONVICTION

- Expunge or seal your record (if possible) so it will not appear on a background check.
- If you have been convicted within the last three years, have helpful documents ready to share, and be ready to explain the information on your record and why you'll be a good tenant.

FACT #3: LANDLORDS & PUBLIC HOUSING AUTHORITIES MUST MAKE OR ALLOW REASONABLE ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES.

Landlords must make changes or let you make changes that are reasonable to support you and your disability. Disabilities can be mental or physical. Let's look at some examples...

CHANGE

A landlord may have to change their rules.

A local housing authority may have to change its rules.

A landlord may have to allow changes to your unit.

EXAMPLE

- Allow a service or support animal even though pets are not allowed.
- Allow a reserved parking space for a tenant with a disability
- Allow for an increased or "exception payment standard" to afford a unit that is wheelchair accessible.
- Allow for an extra bedroom for a live-in aide.
- Allow for the installation of a ramp, grab bars, or lift to make a unit accessible.

FACT #4: SEXUAL HARASSMENT IS AGAINST THE LAW.

Your landlord or other staff should never:

- Ask you to do something sexual instead of paying rent.
- Make sexual comments or touch you.
- Refuse to help you if someone in the building is sexually harassing you.
- Threaten to evict or call immigration if you report them.
- Refuse to make repairs or make other threats if you ignore their advances or report them.

YOU HAVE A RIGHT TO FEEL SAFE AT HOME

- Even if you are behind on your rent.
- Even if repairs need to be made to your unit.
- Even if you had a relationship before with your landlord or property manager.

You do not have to deal with sexual harassment or abuse. It's against the law.

REPORT ANYTHING THAT PEOPLE DO
OR SAY THAT MAKES YOU FEEL UNSAFE.

FACT #5: LANDLORDS CAN'T DISCRIMINATE AGAINST YOU BECAUSE YOU ARE EXPERIENCING OR HAVE EXPERIENCED DOMESTIC VIOLENCE.

Landlords and housing authorities cannot discriminate against you for reasons related to experiencing domestic violence, dating violence, sexual assault, or stalking, no matter what your gender or gender identity.

KNOW YOUR RIGHTS

If you are a victim of domestic violence and you have a Housing Choice Voucher, your landlord cannot:

- Deny you a rental unit because of domestic violence, sexual assault, or stalking.
- Evict you or cause you to lose your voucher because you have been a victim of domestic violence.

IMPORTANT: You cannot be denied a voucher or lose your voucher or apartment for reasons related to domestic violence.

This includes if you are arrested, go in the hospital, or have bad credit as a result of domestic violence.

ADDITIONAL RIGHTS FOR SURVIVORS OF DOMESTIC VIOLENCE

If you are living with an abuser right now, the law can still help.

- If you want to **stay in your apartment**, a landlord can evict the abuser and let you and your family stay.
- If you want to **leave your apartment** because of the abuse, you can move before your lease is up and still keep your voucher.

Call the housing authority as soon as you are safely able to do so to talk about your situation.

PROVING DOMESTIC VIOLENCE

The housing authority or your landlord might ask for paperwork that shows what happened. You can do this by:

- Completing a special form called a self-certification form (Form HUD-5382).
- Contacting a fair housing or legal assistance organization to get help.
- Showing proof from a professional who helped you, like a letter signed by a social worker, legal aid lawyer, or health care worker.
- Being able to show a police report or other court or legal documents about the abuse.

WHAT TO DO IF YOUR RIGHTS HAVE BEEN VIOLATED

Have you been discriminated against? Have you been treated differently than other tenants or applicants? Are you in an unsafe situation?

HERE'S WHAT YOU NEED TO KNOW:

It's very important that you make a record of everything that happens to you if you are facing these challenges. Write this information down in a safe place:

- The first name and last name of the person you spoke or emailed with.
- The day and time you talked to the person or when you emailed or texted with them.
- The address of the place you are trying to rent (or where you live if that is the case).
- What happened? (What was said or what did the person do? Keep any records that show what occurred.)
- Was it over the phone, via email or in-person?

WHERE TO GO FOR HELP

These trusted places can help you with the issues in this book or connect you with places that can help you.

CHICAGO

Access Living (for people with disabilities)

Phone: (312) 640-2106

Email: civilrightsintake@accessliving.org

Website: accessliving.org

Chicago Lawyers' Committee for Civil Rights

Connect to fair housing lawyers through CARPLS

Phone: (312) 738-9200

Website: carpls.org

Legal Aid Chicago

Phone: (312) 423-5909

Website: legalaidchicago.org

Northside Community Resources

Phone: (773) 338-7722 Ext. 16

Website: northsidecommunityresources.org

UIC Law Fair Housing Legal Clinic

Phone: (312) 786-2267

Email: law-fairhousingclinic@uic.edu

Website: law.uic.edu/fairhousing

Uptown Peoples' Law Center*

Phone: (773) 769-1411

Email: uplc@uplcchicago.org

Website: law.uic.edu/fairhousing

**For issues related to housing discrimination based on arrest and conviction records.*

ABOUT US

HOUSING CHOICE PARTNERS

Housing Choice Partners (HCP) of Illinois, Inc. is a non-profit organization building housing mobility strategies that provide real options, resources, and support for families in the City of Chicago and suburban Cook County area.

HCP's programs are rooted in the belief that all residents, regardless of race, disability, economic situation, or any other characteristic, should have a chance to live in a safe, healthy neighborhood, provide their children with quality educational and future employment opportunities, and work towards reducing the cycle of intergenerational poverty.

Phone: (312) 386-1009 Website: www.housingchoicepartners.org

CHICAGO AREA FAIR HOUSING ALLIANCE

CAFHA is a membership-based, nonprofit, fair housing organization in Chicago dedicated to fostering collaboration and advancing fair housing justice. Our mission is to eliminate housing discrimination by advocating for housing policies and programs that are centered on people who have been directly impacted by housing instability and racist housing practices of the past.

Phone: (872) 228-7844 Website: www.cafha.net

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