Janice Glenn, Acting Director

August 30, 2017

Chicago Housing Authority c/o Joanne Boy, General Counsel 60 E. Van Buren, 12<sup>th</sup> Flr. Chicago, IL 60605

Re:	IDHR Charge Number	HUD Case Number
	Complainant:	

Dear Respondent(s):

The above named Complainant has filed a perfected charge of housing discrimination alleging a violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101, et. seq., a copy of which is hereby served upon you in accordance with Section 7B-102(B) of the Act.

In order to conduct a fair and thorough investigation of the charge, the Department is requesting that you provide the following information within 30 days of receipt of this notice:

- (1) Information about ownership and management of the property:
  - a. The names and addresses and telephone numbers of the beneficial owners, officers, registered agents or legal/business entities having principal interest, subject ownership or general partnership of the above-referenced property named in the charge;
  - b. A copy of the applicable partnership agreement or incorporation charter;
  - c. Contact information for any on-site management agents at the subject property; and
  - d. The location of any other properties owned by the Respondent(s) listed above.
- Provide relevant information about the property that is the subject of the charge, and any other properties owned by the Respondent(s) listed above, including number of units in the building/complex, size of those units, number of units currently vacant, number of households that include persons of the same protected class(es) (i.e. race, disability, sexual orientation, etc.) as the Complainant(s), a copy of the tenant directory or rent roll for the current year, and a copy of the Complainant's entire file.
- Provide a copy of relevant policies, rules and regulations in effect on the date of the alleged violation(s), including any fair housing and equal opportunity policy.
- (4) For each person having direct, firsthand knowledge of the allegations, provide the individual's name, title and a telephone number and email address where he/she can be reached for interview.
- (5) Provide a written position statement on each allegation of the charge.
- (6) Submit a <u>verified response</u> to each of the allegations contain in the charge, in accordance with Section 7B-102 (B)(2) of the Act. A sample verified response is enclosed, and an electronic version can be



Bruce Rauner, Governor Janice Gienn, Acting Director

August 24, 2017

# **Housing Discrimination Complaint**

IDH	R Number:	HUD Number:	
1.	Complainants:		
2.	Complainant Representatives:		
		ū	
		*	
3.	Other Aggrieved Parties:		
		8	
4,	The following is alleged to have occurred	or is about to occur:	
	Failure to make reasonable accommodation		
5,	The alleged violation occurred because of	•	
	Disability (Association)		
6.	Address and location of the property in q city and state where the discrimination of		erty is involved, the
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Charge Number Page 3			
be true.			
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N O T E: IDHR WILL FURNISH A COPY OF THIS COMPLAINT TO THE PERSON OR ORGANIZATION AGAINST WHOM IT IS FILED.

### SAMPLE OF VERIFICATION STATEMENT

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109], the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.

(Signature)	ri e	(Date)
(Name PRINTED)		9

#### Notes:

- 1. Each Respondent must file a verified response and sign a verification statement. However, more than one Respondent can sign the same verification statement.
- 2. An employee or officer of a board or association may sign a verification statement on behalf of him or herself personally and on behalf of his/her employer/board/association, if both are charged. In this case, the verification statement must name all entities that the person is signing on behalf of.
- 3. A person with knowledge of the facts <u>must sign the verification</u>. Unless Respondent(s)'s attorney has first-hand knowledge of the facts of the charge, or is an employee of the Respondent(s), Respondent(s)'s attorney cannot sign.
- 4. If Respondent(s)'s attorney signs the response, then Respondent(s)'s attorney must provide his/her name, law firm name, address, and telephone number on the response.

In order for the Verified Response to be complete, <u>a copy of the response must be served on the Complainant(s)</u>, and you must indicate to the Department by a Certificate of Service or other written means that you have done so.

### SAMPLE CERTIFICATE OF SERVICE

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Verified Re	esponse to the charge of
discrimination was served upon:	
Complainant(s) Name(s)	
Address	
By depositing same in the U.S. Mail at (address), (city), IL	(zip code) on the
day of, 201	
(signature)	

July 25, 2017

Chicago Housing Authority c/o Joanne Boy, General Counsel 60 E. Van Buren, 12<sup>th</sup> Flr. Chicago, IL 60605

Re:	IDHR Charge Number	HUD Case Number:	
	Complainant:	•	

### Dear Respondent:

The above named Complainant has filed an unperfected charge of housing discrimination alleging a violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101, et. seq., a copy of which is hereby served upon you in accordance with Section 7B-102(B) of the Act.

When the charge is perfected, you will receive a copy of the perfected charge. Once the charge is perfected, in order to conduct a fair and thorough investigation of the charge, the Department requires you to provide the following information within 30 days of receipt of the notice of the perfected charge:

- 1) Information about ownership and management of the property:
  - a) The names and addresses and telephone numbers of the beneficial owners, officers, registered agents or legal/business entities having principal interest, subject ownership or general partnership of the above-referenced property named in the charge;
  - b) A copy of the applicable partnership agreement or incorporation charter;
  - c) Contact information for any on-site management agents at the subject property; and
  - d) The location of any other properties owned by the Respondent(s) listed above.
- 2) Provide relevant information about the property that is the subject of the charge, and any other properties owned by the Respondent(s) listed above, including number of units in the building/complex, size of those units, number of units currently vacant, number of households that include persons of the same protected class(es) (i.e. race, disability, sexual orientation, etc.) as the Complainant(s), a copy of the tenant directory or rent roll for the current year, and a copy of the Complainant's entire file.
- 3) Provide a copy of relevant policies, rules and regulations in effect on the date of the alleged violation(s), including any fair housing and equal opportunity policy.
- 4) For each person having direct, firsthand knowledge of the allegations, provide the individual's name, title and a telephone number and email address where he/she can be reached for interview.

- 5) Provide a written position statement on each allegation of the charge.
- Submit a <u>verified response</u> to each of the allegations contain in the charge, in accordance with Section 7B-102 (B)(2) of the Act. A sample verified response is enclosed, and an electronic version can be provided if requested. The Act requires that in order to be considered properly verified, a response must include a statement under oath or affirmation that the response is true. Address the verified response to the undersigned and send a copy of it to the Complainant or the Complainant's representative. The Act states "all allegations contained in the charge not timely denied by the Respondent shall be deemed admitted, unless the Respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department shall issue a notice of default directed to any Respondent who fails to file a verified response to a charge within 30 days of the date on which the charge is filed, unless the Respondent can demonstrate good cause as to why such notice should not issue." An affirmation or denial of each of the allegations is sufficient to satisfy the requirements of the Act.
- 7) State whether the owners and/or the subject property receive federal financial assistance<sup>1</sup> from the U.S. Department of Housing and Urban Development. If so, state the type of assistance provided, e.g. Housing Choice Voucher (Section 8) rental assistance payments.

Please provide any other information which Respondent(s) believe may be pertinent to the Department's investigation of this matter. Note: Pursuant to the Illinois Identity Protection Act [5 ILCS 179/1 et seq.], IDHR is prohibited from collecting or using Social Security Numbers. You must redact Social Security Numbers from any documents before submitting them to the Department.

The Department strongly encourages the parties to settle this charge as an alternative to investigation. Any settlement is treated confidentially and is not an admission of a violation of the Illinois Human Rights Act. If you have any questions or would like to discuss a settlement, please contact me immediately.

Thank you in advance for your cooperation with the Department's investigation.

Sincerely, Angela Wagner Pow Angela Wagner

Investigator III

Fair Housing Division Voice: (312)814-4304

Email: Angela. Wagner@illinois.gov

Enclosure: Charge, Appearance Form, Procedures for Housing Cases

IN7-Pre HH - Rev. 10/2014

<sup>&</sup>lt;sup>1</sup> Public and Indian Housing, HUD Insured Program, Below Market Interest Rate, Section 8 Tenant Based Assistance, HUD Assisted Housing (i.e. Section 202, 811, 221D4 Loan Program, or Project Based Section 8), CDBG/Homeless, USDA, Veterans Administration, CDBG, HOME, HOPE, other Community Planning and Development, Lead Based Paint, Other HUD Funding (Identify), or Other Non-HUD Federal Funding (Identify).



July 27, 2017

# **Housing Discrimination Complaint**

IDH.	R Number:	HUD Number:	
1.	Complainants:		
		8	
2.	Complainant Representatives:		
3.	Other Aggrieved Parties:		
4.	The following is alleged to have occu	urred or is about to occur:	
	Failure to make reasonable accommod	lation	
5.	The alleged violation occurred becar	use of:	
	Disability (Association)		
6.	Address and location of the propert city and state where the discriminat		erty is involved, the

### 7. Respondent:

Chicago Housing Authority c/o Joanne Boy, General Counsel 60 E. Van Buren, 12th Floor Chicago, IL 60605

# 8. The following is a brief and concise statement of the facts regarding the alleged violation:

Complainant, her son and granddaughter live together in an apartment building that is owned and operated by the Chicago Housing Authority. The unit is on the third floor with no elevator. Complainant's son's name was not listed on the lease. In April 2013, Complainant's son became disabled and required the use of a wheelchair. Complainant requested to have her son's name added to the lease, but was told that another adult could not be added to the lease. In May, 2016, Complainants son's name was added to the lease. In January, 2016, Complainant requested that she be moved to a wheelchair accessible unit as a reasonable accommodation. CHA granted the accommodation in writing, but Complainant has been waiting to be transferred to an accessible unit for over eight months.

Complainant believes Respondent delayed her request to transfer to an accessible unit as a reasonable accommodation because of her son's disability.

### 9. The most recent date on which the alleged discrimination occurred:

September 16, 2016, and is continuing.

# 10. Types of Federal Funding Identified:

PIH

# 11. The acts alleged in this complaint, if proven, may constitute a violation of the following sections:

804f3B of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988, and Section 3-102.1(C)(2) of the Illinois Human Rights Act.

Section 504 of the Rehabilitation Act of 1973.

### Please sign and date this form:

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109], the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to

Charge Number: IDHR	HUD
Page 3	
Page 3 be true.	
	Date

N O T E: IDHR WILL FURNISH A COPY OF THIS COMPLAINT TO THE PERSON OR ORGANIZATION AGAINST WHOM IT IS FILED.



# **Procedures for Housing Cases**

Role of IDHR: The Illinois Department of Human Rights (IDHR) is the state agency responsible for enforcing the Illinois Human Rights Act. The role of IDHR is to conduct a **NEUTRAL** and **FAIR** investigation of the allegations of discrimination stated in a charge. **More information is available on IDHR's website, including forms and fair housing videos.** 

Attorneys and Fair Housing Organizations: IDHR represents the state's interest in eliminating discriminatory housing practices. However, we cannot give legal advice or represent either party. Attorneys are not required, but if you would like representation, you must obtain your own attorney or advocate. Attorneys and advocates may not testify unless they have first-hand knowledge, and must sign an appearance form. If you do not have an attorney or advocate, you may bring a friend or relative for advice or moral support. You may also bring an interpreter if needed (interpreters must be age 18 or over).

Filing a Charge: A Complainant may initiate a charge in writing, by phone or in person. IDHR does not suggest reasons to file, but will discuss the various types of discrimination and explain the filing procedures. After a charge is filed, the case is given an IDHR charge number and it is served on the Respondent(s), the person or organization the charge is filed against. If jurisdictional under federal fair housing law, IDHR cross-files the case with the U.S. Department of Housing and Urban Development (HUD) as per our cooperative agreement. Cases that are initiated with HUD and referred to IDHR, as well as cases cross-filed with HUD, will be investigated and processed in accordance with the Illinois Human Rights Act and its rules.

<u>Responsibility to Cooperate:</u> Complainants and Respondents have a responsibility to cooperate with IDHR, and must notify us of any changes in address or telephone number **immediately**. If the Complainant cannot be contacted or interviewed, the case will be dismissed.

<u>Temporary Relief:</u> At any time after a charge is filed and while the determination of the case is pending, either IDHR or the Complainant may petition the appropriate court for a "temporary restraining order" (TRO). A petition must contain a certification by the Director explaining the **irreparable injury** that will result from a civil rights violation in the absence of the TRO.

<u>Investigation:</u> After the charge is signed, the Respondent is required to file a written response to the charge and send a copy of the response to the Complainant. If the Complainant chooses to respond in writing, copies should be sent to IDHR and to the Respondent. The investigator will contact and interview the parties, obtain relevant documents, and interview witnesses. The investigator may schedule a fact-finding conference with the parties to discuss the case; if so, all parties are required to attend. All parties should assist in the investigation by helping the investigator to locate pertinent documents and witnesses. Upon completing the investigation, IDHR will send the parties a copy of the report summarizing the information obtained along with recommended findings dismissing the case or indicating that IDHR found substantial evidence of a violation of the Human Rights Act.

<u>Private Settlement and Withdrawal:</u> The parties to the charge may attempt to resolve the dispute between themselves, and may enter into a private settlement agreement, which should include Complainant's withdrawal of both the IDHR and HUD charge numbers. A privately drafted settlement agreement is not enforceable by IDHR or the Illinois Human Rights Commission (IHRC).

**IDHR Settlement:** IDHR will discuss settlement with all parties to attempt to resolve the dispute voluntarily. Information about the pros and cons of settlement is available on IDHR's website. If resolved, IDHR will draft a Terms of Settlement and Agreement (TSA) incorporating the terms. Once signed, the TSA is submitted to the Illinois Human Rights Commission (IHRC) for approval. The IHRC then enters an order dismissing the charge pursuant to compliance with the approved TSA. A party who alleges that an approved TSA has been breached may seek to have IDHR enforce the agreement in state court (where the Illinois Attorney General represents IDHR), or may file an enforcement action in the circuit court.

Appeal Rights: If IDHR dismisses the case, the Complainant may file a request for review within 90 days to appeal the dismissal with the Illinois Human Rights Commission, a separate state agency. Respondents may file a request for review within 30 days of a notice of default recommendation.

Public Hearing: If substantial evidence of discrimination is found and conciliation fails, IDHR files a complaint with the Illinois Human Rights Commission (IHRC). Parties may elect instead to have their claims decided in a circuit court of Illinois, and have 20 days to make this decision. If such election is made, the IHRC administratively closes the file. Otherwise, the IHRC will schedule the case for a public hearing before an administrative law judge. IDHR will be a party to the case, and seek appropriate relief for the Complainant and vindication of the public interest. All parties are advised to obtain legal counsel at this stage as IDHR is not the Complainant's attorney. If the Complainant wins at this level, the judge can order appropriate remedies to make the Complainant "whole," as if the discrimination had not occurred. The IHRC process may take several years.

<u>State and Federal Court:</u> An aggrieved party may file a civil action in an appropriate federal district court or state circuit court within 2 years after the occurrence or termination of an alleged discriminatory housing practice. The computation of this 2-year period does not include the time during which this administrative proceeding was pending. The IDHR may administratively close a pending charge if the issues that are the basis of the charge are being litigated in a state or federal court proceeding.

### STATE OF ILLINOIS

# **DEPARTMENT OF HUMAN RIGHTS**

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