

Office of Fair Housing and Equal Opportunity

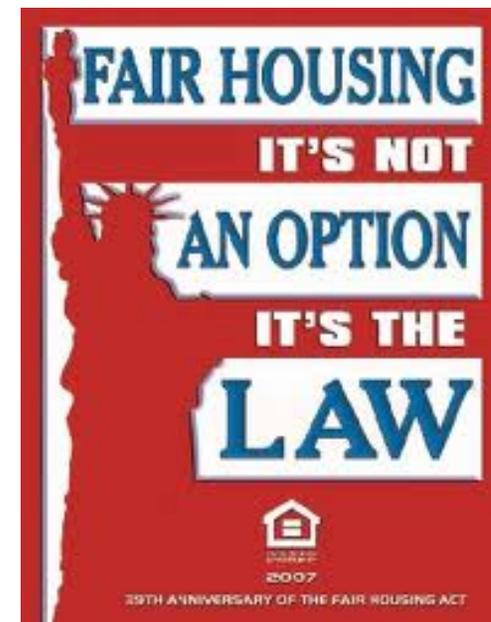


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Housing Discrimination

- What Housing is Covered
- Who is Covered
- What is Prohibited
- Additional Protection If You Have A Disability
- How to File a Complaint
- Complaint Process

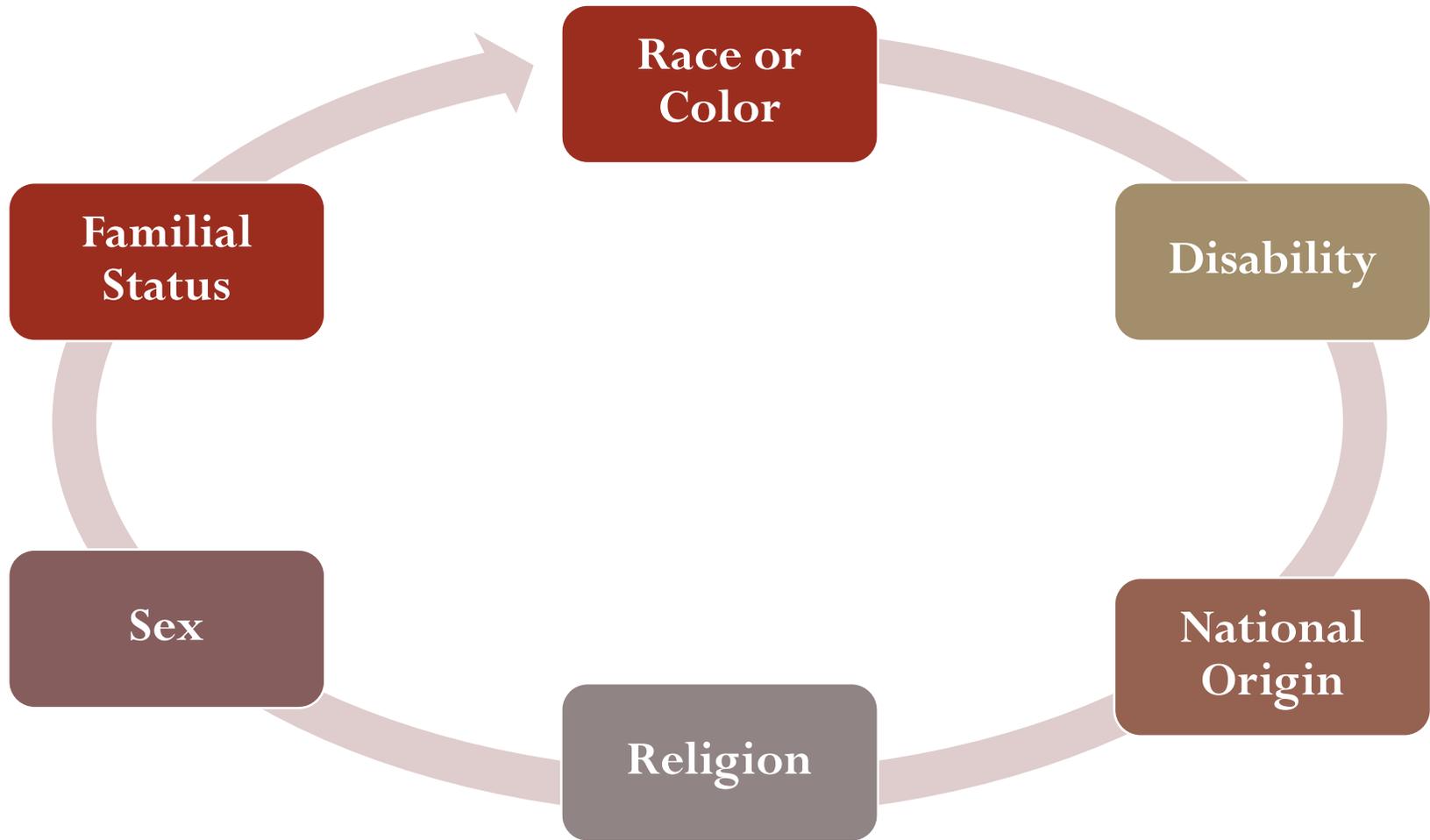


Covered Housing

- Most housing is covered.
- Exempted Housing:
 - Owner-occupied buildings with no more than 4 units
 - Single-family housing sold or rented without a broker
 - Housing operated by religious organizations and private clubs that limit occupancy to members
 - *Familial status*: Housing for persons 55 and older.



Who is Covered? Protected Classes under the Fair Housing Act



Additional Protected Classes Under State and Local Laws

- **The Illinois Human Rights Act (Art. 3):**
 - Ancestry
 - Marital status
 - Age (over 40)
 - Order of protection status
 - Military status
 - Sexual orientation
 - Unfavorable military discharge
- **The Chicago Fair Housing Ordinance:**
 - “Source of income”
- **The Cook County Human Rights Ordinance:**
 - “Housing status”



What is Prohibited

- The following decisions cannot be based on a person's protected class:
 - Refuse to sell, rent or negotiate for housing;
 - Deny or make housing unavailable;
 - Set different terms, conditions or privileges for the sale or rental of a dwelling;
 - Provide different housing services or facilities;
 - Falsely deny that housing is available for inspection, rent or sale;
 - Engage in blockbusting;
 - Engage in steering;

What is Prohibited - Continued

- Deny a person access to participation in any organization, facility or service related to the sale or rental of housing;
- Refuse to purchase/make a loan;
- Impose different terms and conditions on a loan
- Appraise the property;
- Threaten , coerce, intimidate or interfere with anyone exercising fair housing rights, or assisting others in doing so;
- Make or publish a discriminatory statement or advertisement with respect to the rental or sale of a dwelling (applies to exempted housing as well).

Additional Protections if You Have a Disability

- If a tenant or someone associated with a tenant:
 - Has a physical or mental disability that substantially limits one or more major life activities;
 - Has a record of such disability; or
 - is regarded as having such a disability



Additional Protections if You Have a Disability - Continued

- The housing provider:
 - Must comply with accessibility requirements for new multifamily buildings;
 - May not ask for documentation when the disability is obvious;
 - May not refuse requests for **reasonable modifications** to a dwelling (at the tenant's expense)
 - May not refuse to make **reasonable accommodations** in rules, policies, practices or services

Filing a Housing Discrimination Complaint - Jurisdiction

1. Standing: the aggrieved person must allege that he/she has been injured by a discriminatory housing practice, or that such an injury is about to occur. The discriminatory act must be based on one of the protected classes.
2. Timeliness: complaint must be filed within one year of the date of the most recent occurrence of the discriminatory conduct.
3. Respondent Jurisdiction: the respondent and the dwelling must be covered under the Act.
4. Subject Matter Jurisdiction: the alleged discriminatory act must constitute an illegal practice as defined by the Act and be based on a protected class.

What Happens After You File?

- Notification
- Referral to State or Local Fair Housing Agency
- Investigation and Conciliation:
 - Determination of No reasonable cause
 - Determination of reasonable cause:
 - Issuance of a Charge
 - 20 days to decide whether to proceed to administrative law hearing or to federal district court.
 - Either way, two years to file in federal court, either from the date of last discriminatory act or the date the conciliation agreement was violated.



Investigation

Conciliation

Conciliation Agreement

Investigation

Determination of No Reasonable Cause

HUD dismisses the complaint, but you can still file in federal district court

Investigation

Determination of Reasonable Cause

HUD issues a Charge

Parties have 20 days to elect to proceed to federal district Court instead of an administrative law hearing

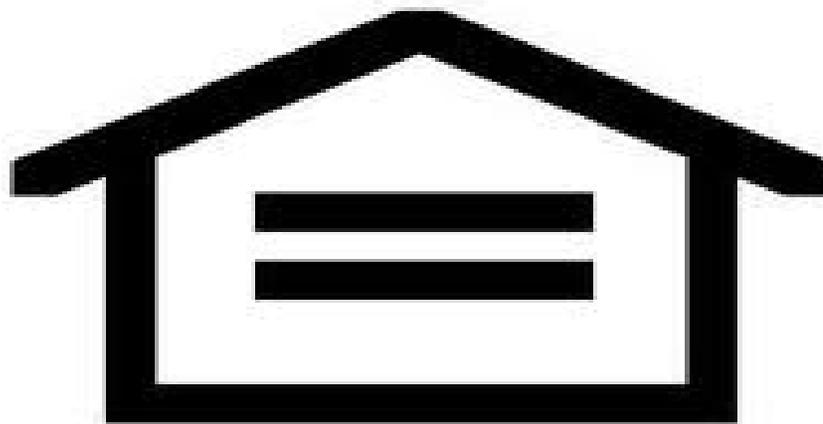
Damages / Relief

- **HUD Administrative Law Hearing:**
 - To compensate you for actual damages, including humiliation, pain and suffering.
 - To provide injunctive or other equitable relief, for example, to make the housing available to you.
 - To pay the Federal Government a civil penalty to vindicate the public interest. The maximum penalties are \$16,000 for a first violation and \$65,000 for a third violation within seven years.
 - To pay reasonable attorney's fees and costs.
 - Right to appeal to federal court
- **Federal Court:**
 - Punitive damages



Questions?

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**EQUAL HOUSING
OPPORTUNITY**