



NAPERVILLE
1250 East Diehl Road, Suite 405
Naperville, IL 60563
phone 630 369 2700
facsimile 630 369 9279

CHICAGO
161 North Clark Street, Suite 4700
Chicago, IL 60601
phone 312 899 9989
www.kmlegal.com

Housing Discrimination, the IDHR, and You

By Therese Edmiston

April is national fair housing month! The next few weeks leading into April may be the perfect time to review your Association's compliance with the Illinois Human Rights Act. This Act prohibits discrimination in real estate transactions on bases including race, color, religion, sex, age, sexual orientation, disability, and familial status. In practical terms, this means your Association may not discriminate when selling or renting units. For example, it is illegal to refuse to sell or rent, alter the terms of a sale or rental, or misrepresent the availability of a unit, based on race, color, religion, sex, age, etc.

Additionally, because the Act prohibits housing discrimination related to familial status, it is illegal to prohibit children, or to limit the number of children as opposed to total occupants of a unit. Also, because the Act prohibits housing discrimination against people with disabilities, it is illegal to require extra charges for support animals (other than for actual damages).

If a unit owner or other individual believes the Association has discriminated against him, he may file a complaint or "charge" with the Illinois Department of Human Rights (IDHR). You will be served with a copy of the charge. You should notify your attorney immediately for assistance with the next steps in the process, which will include the following.

First the Association must file a written response to the charge. Then IDHR will assign an investigator to review relevant documents and information. The investigator may schedule a fact-finding conference with the parties. Ultimately, after investigating, IDHR will prepare a report that either recommends dismissing the case, or indicates that there is substantial evidence of a violation. If IDHR finds substantial evidence, the case may either go to hearing before the Illinois Human Rights Commission (a separate state board), or if the unit owner decides to file civil action, to trial in court. To prevent the costs of this process, it is better to avoid discrimination in the first place! Ask your attorney if you are not sure whether your rules and regulations, your practices, or your decisions are compliant with the Human Rights Act.