



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.

Responsibility to Cooperate: 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.

Temporary Relief: 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.

Investigation: Once the charge is signed, the Respondent is required to respond to the Charge in writing, providing IDHR with a position statement and a response to a questionnaire or requested information. 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.

Private Settlement and Withdrawal: 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.

State and Federal Court: 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.