



WHAT EVERY REAL ESTATE PROFESSIONAL SHOULD KNOW ABOUT FAIR HOUSING

DID YOU KNOW?

Sales or rental agents, brokers, managers, or any other persons involved in a real estate transaction are legally responsible for compliance with Federal and State fair housing laws which protect the right to equal access in housing. Housing seekers are entitled to choose where to live and to enjoy the use of the facilities in the unit without being subjected to unlawful discrimination or intimidation.

The Illinois Human Rights Act prohibits discrimination based on **race, color, religion, sex (including sexual harassment), national origin, ancestry, age (40 and over), marital status, physical or mental disability, military status or unfavorable military discharge, familial status (families with children under 18), sexual orientation (including gender identity), pregnancy, and order of protection status (for victims of domestic violence)**. A charge alleging discrimination may be filed against you individually and/or as an agent or broker. Commercial and residential properties, including houses, apartments, condominiums, mobile home parks, vacant land, offices, stores and other types of residential and commercial property are covered under the law.

EXAMPLES OF PROHIBITED ACTIVITY IF BASED ON SOMEONE'S PROTECTED CLASS:

1. Refusing to rent or sell real property, or refusing to engage in a real estate transaction, including:
 - a. Misrepresenting the availability of property for inspection, rental or sale;
 - b. Discouraging, not mentioning positives, or exaggerating drawbacks; and
 - c. Steering, communicating incompatibility or segregating.
2. Altering the terms or conditions of a real estate transaction, including:
 - a. Different rent or security deposit amount, parking privileges, pet fees, repairs;
 - b. Sexual harassment, lease violation notices; and
 - c. Failing to address tenant-on-tenant harassment.
3. Discriminating against families with children under the age of 18 (including pregnant mothers, or persons in the process of obtaining custody), including restrictions on the use of amenities and unreasonable occupancy standards.
4. Indicating verbally or in writing an intent to commit unlawful discrimination.
5. Failing to provide REASONABLE ACCOMMODATIONS for persons with disabilities, including:
 - a. Denying reasonable requests for changes to policies, practices and services, such as
 - i. Reserved parking spaces, different ways to pay rent, and live-in caregivers if needed.
 - b. Denying reasonable requests for exceptions to "no pet" policies, when needed for persons with disabilities, including:
 - i. Not accepting medical or social service provider requests for assistance animals;
 - ii. Imposing fees for the use of assistance animals (except for actual damages);
 - iii. Requiring additional insurance for assistance animals;
 - iv. Requiring certification or training for assistance animals; and
 - v. Restricting assistance animals by breed or weight.
6. Failing to allow REASONABLE MODIFICATIONS for persons with disabilities, including not allowing tenants to add support bars to a bathroom, remove doors, change a sink to accommodate a wheelchair, or add an exterior ramp.

BEST PRACTICES IN ORDER TO COMPLY WITH FAIR HOUSING LAWS:

- Treat all people the same, without differences in treatment based on their protected class.
- Be truthful about the availability of property.
- Keep good records—document actions taken.
- Have stated policies and practices and follow them; document reasons for any deviations from policies
- Ensure that all agents and employees are trained on fair housing and follow the law.
- Be aware of local ordinances providing coverage for additional protected classes.
- Adhere to reasonable occupancy standards.
- When advertising, describe the amenities of the property and its features, not your ideal tenant.
- Provide accurate information on the qualifications needed to acquire the property.
- Ensure that your rental or management office is accessible to wheelchairs (ADAA requirement)
- Display IDHR's fair housing poster to indicate your intent to comply with fair housing laws.
- When purchasing a multi-family building of four or more units, ensure that if built after 1991, the building complies with fair housing design and construction requirements. A HUD guidance issued in April 2013 states that "complaints can be filed at any time that the building continues to be in noncompliance, because the discriminatory housing practice -- failure to design and construct the building in compliance -- does not terminate until the building is brought into compliance."

INFORMATION ABOUT CHARGES OF DISCRIMINATION

- A charge alleging discrimination in a real estate transaction can be initiated by writing, calling, or visiting the Illinois Department of Human Rights within one year of the act of discrimination.
- A person who files a charge is protected from retaliation for filing a charge.
- The Illinois Human Rights Act requires IDHR to make a finding within 100 days of filing a charge as to whether or not substantial evidence of discrimination was found, unless it is impracticable to do so. IDHR makes every attempt to complete a timely investigation; if the investigation takes longer than 100 days the parties are notified as to the reason additional time is needed.
- An agent or employee of an owner is protected from discrimination for refusing to follow an owner's instruction to unlawfully discriminate. Unlawful practices or activities should be reported in order to minimize the sales or rental agent's liability arising from such activity. There is no fee for filing and a person is not required to have an attorney when filing or defending an IDHR discrimination charge.
- IDHR's website www.illinois.gov/dhr has links to the Illinois Human Rights Act and Rules and Regulations, Procedures for Housing Cases, sample Verified Response to the charge, posters, links to fair housing videos and other outreach materials, and an intake form to start the charge filing process.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS (IDHR)

Office Hours: Monday through Friday, 8:30am to 5:00pm (Intake Interviewing: Monday through Thursday)

IDHR employs investigators who are bilingual in Spanish, Polish and Korean

IDHR has locations in Chicago, Springfield and Marion

TTY: 866-740-3953; Toll Free: 800-662-3942; Housing Line: 312-814-6229

WEBSITE: www.illinois.gov/dhr (click on fair housing)

EMAIL INQUIRIES: IDHR.FairHousing@illinois.gov