

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH0361
)	HUD NO.: 05-11-1317-8
MELISSA ANN ANDERSON,)	ALS NO.: 12-0313
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,¹ Michael Bigger, and Amy Kurson presiding, upon Melissa Ann Anderson's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")² of Charge No. 2012CH0361 and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On August 4, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that the Rockford Housing Authority subjected her and her fiancé, William Anderson-Bey, to discriminatory terms, conditions, privileges, or services and facilities because of race in violation of Section 3-102(B) of the Illinois Human Rights Act ("Act"). On April 12, 2011, the Respondent dismissed the Petitioner's charge for lack of substantial evidence. The Petitioner filed a timely Request.³

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, *2 (March 7, 1995).

In order to prove a *prima facie* case of discrimination in the provision of housing, there must be evidence of the following: (1) Petitioner is a member of a protected class; (2) the Landlord was aware of the Petitioner's membership in that protected class; (3) Petitioner was a tenant in good standing

¹ This Order is in accordance with a vote cast by Commissioner Viverito prior to the expiration of her term.

² In a request for review proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Illinois Department of Human Rights's action shall be referred to as the "Petitioner."

³ The Respondent's Response points out that there is a dispute as to whether the Request was timely filed, and the Request also exceeds 30 pages. Despite these deficiencies, the Commission will evaluate the Request on its merits.

with the terms and conditions of tenancy; (4) the Landlord altered the terms, conditions, and privileges of the Petitioner's real estate transaction, and (5) the Landlord treated similarly situated tenants outside of the Petitioner's protected class more favorably under similar circumstances. In re Warren Corprew and Slate Creek Apartments, et al., IHRC, Charge No. 2010SH0239, 2010 WL 5314832, *2 (June 23, 2010).

There is no substantial evidence that Petitioner, who is white, was subjected to unequal terms and conditions of her lease due to her race or her association with her fiancé, who is black. Petitioner's charge alleged that the management at her public housing complex refused to allow her fiancé to visit her, and that other non-black residents were not treated in the same manner. The investigation revealed that Anderson-Bey was not on the lease, but was living with the Petitioner in violation of the term of her lease that required her to get approval from the Housing Authority before anyone could reside in the apartment for more than 14 days. Anderson-Bey was issued four trespass warnings over a period of more than two years, from October 2008 to November 2010, which banned him from the Housing Authority's property. On January 4, 2011, Petitioner signed a "Trespass Ban Modification" which allowed Anderson-Bey to visit Petitioner at her apartment with no time restrictions. Therefore, at the time of Petitioner's complaint, there had been no alterations to the terms, conditions, or privileges of Petitioner's lease, and Petitioner is unable to establish the fourth prong of her *prima facie* case.

Further, the Housing Authority provided evidence of the other trespass warnings it had issued between October 1, 2010 and August 28, 2011. Over this time period, the Housing Authority had issued trespass warnings to 86 similarly situated individuals of varying races. Therefore, the Petitioner has not proven the fifth element of her *prima facie* case.

Accordingly, the Petitioner has not presented any evidence to show that the Respondent's dismissal of the charge was not in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner's charge is hereby **SUSTAINED**.
2. This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and the Rockford Housing Authority as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

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)
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Entered this 29th day of October 2018.

Commissioner Diane M. Viverito

Commissioner Michael Bigger

Commissioner Amy Kurson