

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH2273
)	HUD NO.: 05-12-0480-8
ADANA FINCH,)	ALS NO.: 12-0422
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Steve Kim, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Adana Finch (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2012CH2273 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** and **LACK OF JURISDICTION** is **SUSTAINED**.

DISCUSSION

On February 12, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that Steadfast Management Company, Inc., Fox View Apartments II, and Jeanette Buerger (“Landlords”) subjected her to discriminatory terms, conditions, privileges, services and facilities due to her race, in violation of Section 3-102(B) of the Illinois Human Rights Act (“Act”).

On May 24, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner was a Section 8 tenant in Landlord’s apartment complex when she asked for a reduction in her rent due to a change in her employment. She alleges that Landlord refused to adjust her rent (Count A), and also refused to accept rental assistance money from Petitioner’s church (Count B). As a result, Petitioner was forced to move out of her apartment (Count C), though Landlord paid her moving expenses and waived her unpaid back rent. She also alleges that the building manager got upset with her when she complained to Landlord’s corporate office (Count D); the manager threatened to evict her for installing a home security system (Count E); Landlord’s security guards banged on Petitioner’s apartment door (Count F); Landlord refused to repair her bathroom (Count G); and Landlord refused to act when Petitioner’s daughter was assaulted on the property (Count H).

¹ 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.”

Section 3-102(B) prohibits altering the “terms, conditions, or privileges” of a real estate transaction based on racial discrimination. Petitioner must show that she was a member of a protected class; Landlord was aware of her membership; Landlord subjected her to an adverse action; Landlord did so because of Petitioner’s membership in a protected class; and Landlord treated similarly situated tenants who were not members of that class more favorably under similar circumstances. Counts A, B, C, D, and H fail at the final prong of this test: Petitioner presented no evidence that tenants outside her race were treated more favorably under similar circumstances.

Counts E, F, and G were properly dismissed for lack of jurisdiction. Petitioner alleged that these incidents occurred between June and November 2010, but she did not file her charge until February 2012. This is outside the one-year time limit. See 775 ILCS 5/7B-102(A).

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 Steadfast Management Company, Inc., Fox View Apartments II, and Jeanette Buerger, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
) **Entered this 25th day of October 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Steve Kim