

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CH1742
)	HUD NO.: 05-12-0305-8
RAEDAEON JOHNSON and TIFFANY)	ALS NO.: 12-0465
WILLIS-JOHNSON,)	
)	
Petitioners.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,¹ Michael Bigger, and Amy Kurson presiding, upon RaeDaeon Johnson and Tiffany Willis-Johnson's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")² of Charge No. 2012CH1742 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 December 16, 2011, the Petitioners filed a charge of discrimination with the Respondent alleging that Janice Minton Kutz ("Agent"), Izabella Trzaskowski, and Steven Trzaskowski ("Homeowners") refused to rent to them because of their race in violation of Section 3-102 of the Illinois Human Rights Act ("Act"). On May 16, 2012, the Respondent dismissed the Petitioner's charge for lack of substantial evidence. The Petitioners filed a timely Request.

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).

To prove a *prima facie* case of housing discrimination, the Petitioners must establish: (1) they are members in a protected class; (2) the landlord was aware of the protected class; (3) the Petitioners were ready and able to rent the property; and (4) the landlord refused to rent to them. Hsu v. Human Rights Comm'n, 180 Ill. App. 3d 949, 953-54 (1st Dist. 1989). Once these elements are established, the burden then shifts to the landlord to show a legitimate reason for refusing to rent to

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."

