

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CH1061</b>
	)	HUD NO.: <b>05-12-0038-8</b>
<b>MINERVA PAGAN,</b>	)	ALS NO.: <b>12-0517</b>
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Nabi R. Fakroddin, Hermene Hartman, and Lauren Beth Gash<sup>1</sup> presiding, upon Minerva Pagan’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2012CH1061 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 October 7, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Thomas Tuccori and Cathy Tuccori (“Landlords”) subjected her to discriminatory terms and conditions of her housing due to her sex and disability in violation of Sections 3-102(B) and 3-102.1(B) of the Illinois Human Rights Act (“Act”). On May 16, 2012, the Respondent dismissed the Petitioner’s charge for lack of substantial evidence. The Petitioner 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 harassment in a housing context the Petitioner must prove that: 1) she was a member of a protected class; 2) she was subjected to harassment; 3) such harassment was based on her protected class; 4) such harassment makes continued tenancy burdensome and significantly less desirable than if the harassment were not occurring; and 5) if vicarious liability is asserted, the Petitioner must show that the owner knew or should have known about the particular harassment and failed to remediate the situation properly. Szkoda v. Illinois Human Rights Comm’n, 302 Ill. App. 3d

<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Gash prior to the expiration of her term.  
<sup>2</sup> 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.”

532, 540 (1st Dist. 1998); see also In re Robin Hobson and Larry Brown, Charge No. 2001CH2383, 2007 WL 6004201, \*12 (July 25, 2007) (applying the Szkoda test for sexual harassment to other types of harassment in housing). For harassment to be actionable in a housing situation, it must be so hostile that it alters the terms, conditions, or privileges of a real estate transaction. In re Hobson, 2007 WL 6004201, \*12.

There is no substantial evidence that Petitioner was subjected to actionable harassment. The Petitioner detailed a number of incidents that she considered harassment, including her Landlords moving stuff around in her house, calling her supervisor, demanding she provide them with a personal email address, and talking on her front porch with someone she didn't know. She also alleges that her Landlords had agreed to let her move out after she informed them that the living situation was too stressful, and that the Landlords had agreed to use her security deposit to satisfy September's rent, but that on September 10, she was issued an eviction notice. None of the allegations in the Petitioner's charge are severe or pervasive enough to rise to the level of actionable harassment, nor is there any indication that the Landlords' actions were directed at the Petitioner because of her sex or disability.

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 Thomas Tuccori and Cathy Tuccori as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS** )  
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**HUMAN RIGHTS COMMISSION** )

**Entered this 5th day of November 2018.**

Commissioner Nabi R. Fakroddin

Commissioner Hermene Hartman

Commissioner Lauren Beth Gash