

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CH1996</b>
	)	HUD NO.: <b>05-12-0389-8</b>
<b>LORETTA MARTIN,</b>	)	ALS NO.: <b>12-0553</b>
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,<sup>1</sup> Michael Bigger, and Amy Kurson presiding, upon Loretta Martin’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. 2012CH1996 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**:

- A. The Respondent’s dismissal of Count A of the Petitioner’s charge for **LACK OF JURISDICTION** is **SUSTAINED**.
- B. The Respondent’s dismissal of Count B of the Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

**DISCUSSION**

On January 19, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that ALMA Property Management Services subjected her to discriminatory terms, conditions, privileges, services, and facilities due to her disability and her son’s disability in violation of Section 3-102.1(B) of the Illinois Human Rights Act (“Act”). On May 4, 2012, the Respondent dismissed Count A of the Petitioner’s charge for lack of jurisdiction and Count B for lack of substantial evidence. The Petitioner filed a timely Request.

The Commission finds that the Respondent properly dismissed Count A of the Petitioner’s charge for lack of jurisdiction. Count A alleges that ALMA issued the Petitioner a violation notice on January 10, 2011, informing her that she was in violation of the parking rules. The Petitioner filed her charge on January 19, 2012. Under Section 7B-102(A), the Petitioner has one year after a civil rights violation is committed to file a charge. This requirement is jurisdictional, meaning that because the Petitioner did not file her charge within the one year time limit, neither the Respondent nor the

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<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Viverito 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.”

Commission have the jurisdiction to proceed on the charge. Trembczynski v. Human Rights Comm'n, 252 Ill. App. 3d 966, 969 (1st Dist. 1993).

Further, the Commission concludes that the Respondent properly dismissed Count B of 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).

Generally, in order to show the existence of a *prima facie* case of discrimination in the provision of housing, there must be evidence of the following: (1) the Petitioner is a member of a protected class; (2) the Landlord was aware of the Petitioner's membership in that protected class; (3) the Petitioner was a tenant in good standing 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 was subjected to unequal terms and conditions related to her rental, nor that she was harassed because of her or her son's disabilities. The Petitioner's charge states that ALMA threatened to take her dog away because it was not on a leash at all times, and told her son he could not loiter outside the building with his friends. The investigation revealed that the other residents in the building had been complaining to management about the Petitioner's dog being off its leash, as well as about the Petitioner's son hanging out with his friends and smoking on the front steps in the afternoon. The Petitioner is unable to meet two essential elements of her discrimination claim. First, the warnings issued by ALMA were not fines, nor were they precursors to any formal action. Therefore, the Petitioner cannot prove that ALMA altered the terms and conditions of her lease in any way. Further, the Petitioner cannot point to a similarly situated, non-disabled resident who was allowed to keep her pets off of the leash. On the contrary, the investigation revealed that ALMA had issued pet policy warnings to multiple residents, some of which resulted in fines.

To the extent that the Petitioner is alleging harassment in her charge, the warnings issued to the Petitioner were not hostile or abusive as to materially alter the terms and conditions of the Petitioner's living situation. See Szkoda v. Illinois Human Rights Comm'n, 302 Ill. App. 3d 532, 540 (1st Dist. 1998); In re Robin Hobson and Larry Brown, Charge No. 2001CH2383, 2007 WL 6004201, \*12 (July 25, 2007).

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.

