

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2011CH2931</b>
	)	HUD NO.: <b>05-11-0802-8</b>
<b>SHARON JENNINGS,</b>	)	ALS NO.: <b>12-0647</b>
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon Sharon Jennings’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2011CH2931 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 JURISDICTION** and **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

**DISCUSSION**

On March 21, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Crystal Lake Apartments Limited Partnership and Equity Property Management, LLC (“Landlords”) failed to make a reasonable accommodation for her disability and retaliated against her for filing a charge of discrimination in violation of Sections 3-102.1(C)(1), 3-102.1(C)(2), and 6-101(A) of the Illinois Human Rights Act (“Act”). On July 12, 2012, after vacating a previous dismissal and remanding for further investigation, the Respondent dismissed Counts A and B of the Petitioner’s charge for lack of jurisdiction and Counts C and D for lack of substantial evidence. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed Counts A and B of the Petitioner’s charge for lack of jurisdiction. The Act provides that a charge must be filed within 365 days after the date that a civil rights violation allegedly has been committed. 775 ILCS 5/7B-102(A). This requirement is jurisdictional, meaning that if the Petitioner does not file his charge within the 365 day time limit, neither the Respondent nor the Commission have the jurisdiction to proceed on the charge. Trembczynski v. Human Rights Comm’n, 252 Ill. App. 3d 966, 969 (1st Dist. 1993).

The Petitioner’s Counts A and B allege denials of reasonable accommodations that occurred on or before February 16, 2010. In an email message on that day, the Petitioner acknowledged that

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<sup>1</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.”

her requests for accommodation had already been denied. Therefore, they occurred outside of the jurisdiction time limit, and the Respondent's dismissal was proper.

The Commission further concludes that the Respondent properly dismissed Counts C and D 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).

The Petitioner's Count C alleges that her Landlords decided not to renew her lease in retaliation for filing her charge of discrimination. To prove a *prima facie* case of retaliation, the Petitioner must prove the following three elements: (1) Petitioner engaged in a protected activity, (2) the Landlords took an adverse action against her, and (3) there was a causal nexus between the protected activity and the adverse action. Carter Coal Co. v. Human Rights Commission, 261 Ill. App. 3d 1, 7 (5th Dist. 1994). In response to the Petitioner's allegations, the Landlords state that first, they made the decision not to renew her lease before they were notified of the Petitioner's allegations. As there is no documentation to support this claim, there remains a question of fact after the investigation as to when the Landlords made their decision. The Landlords also stated that they made the decision not to renew the Petitioner's lease not in retaliation, but because they had received numerous complaints from other residents about the Petitioner's behavior, some of which threatened to move out if she remained a tenant. The Landlords have therefore articulated a legitimate, non-discriminatory basis for terminating the Petitioner's lease. Given the serious nature of the complaints, the Petitioner has not provided any evidence that the Landlords' stated reason for terminating her lease was mere pretext.

Count D of the Petitioner's charge alleges that the Landlords denied her a reasonable accommodation for her mental disability, PTSD. The Petitioner had complained to the Landlords multiple times throughout her tenancy that the noise from the tenants in the unit above her was extremely loud and was aggravating her PTSD. She stated that due to a crack in the cement, footsteps sounded like gunshots, and she would often awaken in a panic attack. The Petitioner presented the Landlords with a suggestion of using Green Glue to soundproof the ceiling. However, the Landlords determined that this would be an unsafe and permanent alteration to the unit. Instead, the Landlords first offered the Petitioner a unit in a different building. After the Petitioner determined that this unit was less safe and closer to train tracks, and therefore not any quieter, the Landlords removed the flooring in the unit above her and poured a floor leveling compound on the concrete floor in an attempt to seal any cracks. The Landlords then installed a new, heavy-duty sound-dampening carpet pad. While the record shows that the Petitioner reported this action did not fix the problem, it is clear that the Landlord did make reasonable efforts to accommodate the Petitioner's 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.

