

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012SH3520</b>
	)	HUD NO.: <b>05-12-0922-8</b>
<b>ROBIN WILLIAMS and STEPHAN</b>	)	ALS NO.: <b>13-0015</b>
<b>WILLIAMS,</b>	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Nabi R. Fakroddin, Hermene Hartman, and Eleni Bousis presiding, upon Robin Williams and Stephen Williams’s (“Petitioners”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2012SH3520 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 June 1, 2012, the Petitioners filed a charge of discrimination with the Respondent alleging that Donna Brown (“Landlord”) failed to accommodate the disability of their son and retaliated against them for requesting a reasonable accommodation in violation of Sections 3-102.1(B), 3-102.1(C)(2) and 6-101(A) of the Illinois Human Rights Act (“Act”). On December 20, 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 Petitioners’ 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 establish a *prima facie* case of housing discrimination based on their alleged disabilities, the Petitioners must show that: (1) the Petitioners’ son suffered from disabilities; (2) the Landlord knew or should reasonably be expected to know of the disabilities; (3) accommodation of the disabilities may be necessary to afford an equal opportunity to use and enjoy the dwelling; and (4) the

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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.”

Landlord refused to make such accommodations. Hughes v. Illinois Dept. of Human Rights, 2011 IL App (1st) 093528-U.

There is no evidence that the Landlord failed to make reasonable accommodations for the Petitioners' son's disability. The investigation showed that the Landlord took significant steps to attempt to fix the roach and moisture problems, including spraying for roaches multiple times, fixing the leaky toilet, and replacing the furnace. Further, the Petitioners have not satisfied the first prong of the *prima facie* test of disability discrimination, as they have not provided any medical documentation to prove that their son's disabilities were related to the problems with the rental property.

To prove a *prima facie* case of retaliation, the Petitioners must prove the following three elements: (1) Petitioners engaged in a protected activity, (2) the Landlord took an adverse action against them, 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).

There is no evidence that the Landlord retaliated against the Petitioners for requesting a reasonable accommodation. The Petitioners alleged that when they began looking for a new place to rent, the Landlord provided negative references for them, which made it more difficult for them to move. However, the investigation revealed that at the time the Petitioners were looking to move, they had not paid rent in over two months. There is no evidence that the Landlord had any retaliatory animus when she informed prospective landlords of the fact that the Petitioners were not paying rent.

Accordingly, the Petitioners have 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 Donna Brown 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 30th day of November 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Nabi R. Fakroddin

Commissioner Hermene Hartman

Commissioner Eleni Bousis