

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: <b>2014CH2246</b>
)	HUD NO.: <b>05-14-0588-8</b>
<b>MILTON BROWN,</b> )	ALS NO.: <b>14-0279</b>
)	
)	
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners, Hermene Hartman, Steve Kim and Cheryl Mainor presiding, upon Milton Brown's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent") of Charge No. 2014CH2246; 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, WHEREFORE, it is hereby **ORDERED** that the Respondent's Notice of Dismissal is **SUSTAINED** for **FAILURE TO PROCEED**.

**DISCUSSION**

On March 3, 2014, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that the Chicago Housing Authority ("CHA"), refused to rent to him because of his race, black, and disability; and subjected him to discriminatory terms, conditions, privileges, services, and facilities because of his race and disability, in violation of Sections 3-102(A), 3-102(B), 3-102.1(A) and 3-102.1(B) of the Illinois Human Rights Act ("Act"). On May 12, 2014, the Respondent dismissed the Petitioner's charge for Lack of Jurisdiction finding that the Petitioner's charge was not timely filed. On May 21, 2014, the Petitioner filed this timely Request for Review ("Request").

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for Lack of Jurisdiction. Section 7B-102 (A) (1) of Act states that a housing discrimination charge must be filed within one year after the date that a civil rights violation has been committed or terminated. See 775 ILCS 5/7B-102(A)(1). Section 7B-102(A) of the Act is a jurisdictional requirement and failure to file a charge within the prescribed time period deprives the Respondent of jurisdiction to investigate the charge. Similar to employment cases, the 364 day period begins to run from the time that the adverse action is communicated to the Petitioner. See Fletcher Barnes and Chicago Transit Authority, 36 Ill. HRC Rep. 211, 2 (1987). In the Petitioner's matter the alleged civil rights violation occurred on October 28, 2011, when CHA informed the

Petitioner that he was no longer on CHA's voucher program waiting list. CHA further informed the Petitioner that informal hearings are not granted to applicants, they are only for participants in a CHA program. Since the Petitioner was no longer on the waiting list, he would not be granted an informal hearing. The Petitioner filed his charge on March 3, 2014, which is beyond the one year statutory time period to file a charge.

In his Request, the Petitioner list twenty-three (23) reasons why his charge should not be dismissed. None of his twenty-three reasons specifically address the jurisdictional basis of the dismissal of his charge. Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of the Charge was not in accordance with the Act. The Petitioners' Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

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, Chicago Housing Authority 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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**Entered this 28<sup>th</sup> day of November 2018**

**HUMAN RIGHTS COMMISSION**

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Commissioner Hermene Hartman

Commissioner Cheryl Mainor

Commissioner Steve Kim