

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CH2357
)	HUD NO.: 05-14-0645-8
)	ALS NO.: 14-0421
COLLIER BAGGETT,)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Robert A. Cantone, Hamilton Chang, and Steve Kim presiding, upon Collier Baggett’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2014CH2357, 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

The Petitioner filed an unperfected charge of discrimination with the Respondent on January 31, 2014, which was perfected on April 4, 2014, alleging that Fullerton Court Apartments, Village Green Management Company, and Fullerton Courts Preservation, LP (referred to collectively as “Landlords”) failed to provide a reasonable accommodation for her physical disability and her minor son’s mental disability, in violation of Section 3-102.1(C)(2) of the Illinois Human Rights Act (“Act”). On June 16, 2014, the Respondent dismissed the Petitioner’s charge for lack of substantial evidence. The Petitioner filed a timely Request.

The nature of the Petitioner’s physical disability is not particularly alleged; however, it is not disputed that the Petitioner required the use of a wheelchair, a motorized hospital bed, and oxygen in her bedroom. Thus, the Petitioner alleges that beginning sometime in 2006, she began requesting the reasonable accommodation of moving from her two-bedroom unit to a larger three-bedroom unit, to accommodate her equipment and

¹ 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.”

supplies. The nature of the Petitioner's son's mental disability is also not particularly alleged; however, she provided the Landlords a January 7, 2011 letter from her son's medical provider stating that he should have a bedroom separate from the Petitioner's minor daughter.

On or around March 2011, the Petitioner provided documentation to the Landlords from her medical provider and her son's medical provider documenting their need for a three-bedroom unit. In response, Village Green Management issued her a letter dated May 26, 2011, promising that she would be next in line for a three-bedroom unit, once one became vacant. It is this timeframe that forms the crux of the Petitioner's charge – she claims that the Landlords moved several other residents into three-bedroom units between January 2012 and January 2013. The Petitioner alleges that she continued to follow up on her request, until the time she moved out of the building on April 9, 2013.

Section 3-102.1(C)(2) provides that it is a civil rights violation to “refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.” 775 ILCS 5/3-102.1(C)(2).

The Commission concludes that Petitioner has failed to establish that the Landlords did not provide her a reasonable accommodation. 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 uncontested evidence demonstrates the Landlords did in fact offer the Petitioner the next available three-bedroom unit pursuant to her documented request. However, the Respondent's investigation shows that none of those units came available during the time period in question. The Landlords' records show that there are ten (10) three-bedroom units in the Petitioner's building. The records include a list of the applicable unit numbers and the move-in date for each. That list reveals that most of the three-bedroom units were occupied by longtime tenants, going back to the earliest with a move-in date of March 1, 1985. The latest three-bedroom unit to be filled showed a move-in date of January 1, 2007.

Although the Petitioner claims that multiple families moved in to three-bedroom units in 2012, she has provided nothing more specific to support this allegation that would

