

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CH3052
)	HUD NO.: 05-14-0943-8
ANICA JANKOVIC,)	ALS NO.: 14-0524
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon Anica Jankovic's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")¹ of Charge No. 2014CH3052 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 May 21, 2014, the Petitioner filed a charge of discrimination with the Respondent alleging that Lisa Stewart and Pebbleshire II Associates ("Landlord") failed to make a reasonable accommodation and subjected her to discriminatory terms, conditions, services and facilities because of her mental disabilities in violation of Sections 3-102(B), 3-102.1(B), and 3-102.1(C)(2) of the Illinois Human Rights Act ("Act"). On August 20, 2014, 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 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

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."

(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).

The Petitioner's charge is based on a decision made by the Landlord to include her live-in grandson's income when determining the amount of rent due on the apartment. There was no evidence provided during the investigation that the Landlord was acting in a discriminatory manner when she included the Petitioner's grandson's income in the rent calculations. Rather, it is clear that the Landlord was only following the regulations set forth by HUD regarding live-in caretakers. The Landlord provided the Petitioner with an addendum for her grandson to sign to be HUD complaint, and there is no evidence anywhere in the record that he signed it. There is no evidence that the Landlord treated other tenants more favorably by not calculating all of the household income or by not requiring a live-in caretaker to sign an addendum to the lease.

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.

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 Illinois Appellate Court by filing a Petition for Review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Lisa Stewart and Pebbleshire II Associates 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 7th day of December 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor