

# Know Your Fair Housing Rights

## A guide for voucher holders in Cook County

Learn what landlords can and can't do – and what  
you can do if they break the law.



# Your Housing Rights

The purpose of this guide is to learn:

- What your fair housing rights are as a voucher holder
- How to get help if you have experienced discrimination or illegal actions from a landlord
- How to be a part of the housing rights community

## How the Law Protects You

In Cook County, a landlord cannot deny you housing or treat you differently because of these reasons:

- Race
- Color
- Religion
- Sex
- National Origin (the country you or your ancestors were born in)
- Disability
- Familial Status (having children under 18 in the household, being pregnant, gaining custody, or adopting a child)
- Sexual Orientation
- Ancestry
- Age (if over 40)
- Marital Status
- Military Discharge Status
- Source of Income (voucher)
- Housing Status (if you are or have been homeless, a renter, or a homeowner)
- Gender Identity
- Covered Criminal History (arrests & most convictions more than 3 years old)

The law also says landlords cannot discriminate against you for reasons related to having experienced domestic violence, or having an order of protection out against someone. (page 8)

These laws protect all people in your household.

**Learn more in this guide about some of the most common types of discrimination – and what to do if it happens to you.**

# Fact #1: Landlords can't discriminate against you because you use a voucher.







The law says that landlords cannot discriminate against someone who uses a Housing Choice Voucher to pay all or part of their rent in Chicago and Cook County.

It may not be easy to spot when this is happening. Or sometimes, these actions feel so common, we think it's normal or okay.



## Examples of Voucher Discrimination

A landlord...

-  Says they don't take vouchers in their ad
-  Says they won't rent to you because of your voucher
-  Says you have to have an income three times the total rent amount
-  Doesn't do the voucher paperwork or schedule the inspection
-  Treats you differently such as charges a different amount of rent or extra fees, or won't make repairs or upgrades that other renters get
-  Says the apartment is rented or not available (but it is a lie)

**None of these examples are allowed. They are all forms of discrimination.**

## Fact #2: Landlords can't ask if you have an arrest or conviction on your housing application.

First, landlords must consider other factors. For example, your income, credit history, and/or landlord references.

If you meet other application requirements, a landlord can then run a background check.

### Landlords still cannot consider:

- Conviction records more than three years old
- Arrests, charges, or citations
- Participation in a diversion or deferral program
- Sealed, expunged, or pardoned records
- Juvenile records

**What if I have a conviction from the last 3 years?**

Landlords **can** consider conviction records from the last three years, but only after giving you an opportunity to discuss your record and share more information.

### If you have a conviction record from within the last 3 years, landlords must consider factors like:

- Your history as a tenant
- Providing a Reasonable Accommodation if your conviction is related to a disability
- Your age at the time of conviction
- Evidence of rehabilitation

---

*For more information on protections for persons with arrest or conviction records, see the Cook County Commission on Human Relations Website:*

<https://www.cookcountylil.gov/agency/commission-human-rights-0>

When can a landlord deny my application?

## A landlord can deny your application if. . .

- your application does not meet other requirements such as income, credit history, or landlord references
- the denial is because of registration/residency restrictions for sex offenses
- when your conviction is from the last 3 years and the landlord gives you a chance to discuss it, but still decides you are a risk to people or property. **If a landlord denies you for this reason, they must provide you with:**
  - Copy of any background checks they used
  - An opportunity to respond to the accuracy and relevance of your conviction history
  - A copy of their selection criteria
  - Reasons why denying your application is necessary to protect the personal safety or property of others

Landlords must also give you an opportunity to present more information. This can include:

- Court-issued good conduct certificates
- Letters of recommendation
- Education or vocational training
- Participating in transitional programs
- Other relevant information or documents



### Tips If You Have a Conviction...

1. Get your record. (This could cost money.)
2. Expunge or seal your record (if possible) so it will not appear on a background check.
3. If you have been convicted within the last 3 years, have helpful documents ready to share, and be ready to explain information on your record and why you'll be a good tenant.

# Fact #3: Landlords & Public Housing Authorities must make or allow reasonable accommodations for people with disabilities.

Landlords must make changes or let you make changes that are reasonable to support you and your disability.

Disabilities can be mental or physical. Let's look at some examples...

## Change

A landlord might have to change their rules.



## Examples

Allow a service or support animal even if pets are not usually allowed



Allow a reserved parking space for someone with a disability



A housing authority might have to change their rules.



Allow for an increased or "exception payment standard" to afford a unit that is wheelchair accessible.



Allow for an extra bedroom for a live-in aid.



A landlord might have to allow changes to your apartment.



Allow you to install a ramp, grab bars, or a lift.



## **Fact #4: Sexual harassment is against the law.**

Your landlord or other housing staff should never:

- Ask you to do something sexual instead of pay rent
- Make sexual comments or touch you
- Refuse to help you if someone in the building is sexually harassing you
- Threaten to evict or call immigration, refuse to make repairs, or make other threats if you report what they've done

### **Sexual harassment is never okay!**

You have a right to feel safe at home...

Even if you had a relationship before with your landlord or property manager. Even if you are behind on your rent. You do not have to deal with sexual harassment or abuse. **It's against the law!**

**Report anything that people do or say at your apartment that make you feel unsafe.**

# Fact #5: Landlords can't discriminate against you because you are experiencing or have experienced domestic violence.

The law provides additional protections for voucher holders that say landlords and housing authorities cannot discriminate against you for reasons related to experiencing domestic violence, dating violence, sexual assault, or stalking, no matter what your gender or gender identity.



If you are a victim of domestic violence **and** you have a Housing Choice Voucher, your landlord cannot:

- Deny you a rental unit because of domestic violence, sexual assault, or stalking.
- Evict you or cause you to lose your voucher because you have been a victim of domestic violence.



**IMPORTANT:** You cannot be denied a voucher or lose your voucher or apartment for reasons related to domestic violence. This includes if you are arrested, go in the hospital, or have bad credit as a result of domestic violence.



## More Rights You Have If You Are A Survivor of Domestic Violence

If you are living with an abuser right now, the law can still help.

- **If you want to stay in your apartment**, a landlord can evict the abuser and let you and your family stay.
- **If you want to leave your apartment** because of the abuse, you can move before your lease is up and still keep your voucher.



Call the housing authority as soon as you are safely able to do so in order to talk about your situation.

## Proving Domestic Violence

The housing authority or your landlord might ask for paperwork that shows what happened. You can do this by:

- Completing a special form called a self-certification form (Form HUD-5382). Contact one of the organizations **on page 11, Where To Get Help**, of this guidebook for help with this form.
- Showing proof from a professional who helped you, like a letter signed by a social worker, legal aid lawyer, or health care worker.
- Being able to show a police report or other court or legal documents about the abuse.

# What to Do If Your Rights Have Been Violated

Have you been discriminated against? Have you been treated differently than other tenants or applicants? Are you in an unsafe situation?

## Here's what you need to do...

It's very important that you make a record of everything that happens to you if you are facing these challenges. Write this information down in a safe place:



John Doe

#1 The **first name and last name** of the person you spoke or emailed with.



#2 The **day and time** you talked to the person or when you emailed or texted with them.



#3 The **address of the place** you are trying to rent (or where you live if that is the case).



#4 **What happened** – was it over the phone? email, in person? What did they do or say? Write it all down.

**Keep any records that can show what happened: emails, letters, text messages – anything that shows what happened.**

# Where To Get Help

These trusted places can help you with the issues in this book or connect you with places that can help you.

## City of Chicago

### **Access Living (services for people with disabilities)**

312.640.2106 TTY: 312.640.2102

[accessliving.org](http://accessliving.org)

### **UIC John Marshall Fair Housing Legal Support Center**

312.786.2267

[jmls.edu/clinics/fairhousing](http://jmls.edu/clinics/fairhousing)

### **Legal Aid Chicago**

312.341.1070

[legalaidchicago.org](http://legalaidchicago.org)

### **Northside Community Resources**

773.338.7722 x16

[northsidecommunityresources.org](http://northsidecommunityresources.org)

## Chicago Suburbs

### **West—HOPE Fair Housing Center**

630.690.6500 TTY: 630.690.6553

[hopefair.org](http://hopefair.org)

### **North—Open Communities**

847.501.5760

[open-communities.org](http://open-communities.org)

### **South—South Suburban Housing Center**

708.957.4674

[southsuburbanhousingcenter.org](http://southsuburbanhousingcenter.org)

### **Countywide—CARPLS (Help with other legal issues)**

312.738.9200

[carpls.org](http://carpls.org)

