A CONSUMER GUIDE TO FAIR LENDING
AND
HOME OWNERSHIP PRESERVATION
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OVERVIEW

This guide explains your right to be treated fairly in home lending transactions. It also provides some options available to you should you have difficulty paying your mortgage or face a mortgage foreclosure lawsuit.

This guide does not offer specific legal advice. You should consult with an attorney for specific legal advice. In addition, HUD approved housing counseling agencies offer services such as seeking a loan modification at no cost, to you.

You should use caution when approaching questions about your home. There are many pitfalls related to trying to assert rights without fully understanding the area of law. For example, every claim has a deadline, also known as a statute of limitations, after which your right to bring the claim expires. If you are the defendant in a lawsuit, you must timely respond, follow court rules, and present your arguments in a way a judge can understand or you risk having a “default” judgment entered against you. A default judgment means you did not assert your rights, and you will have waived claims and defenses that might have worked in your favor.

Be careful of what you read in the newspapers. Something that occurs in one state may not necessarily have the same legal consequences in another state. Each case must be analyzed in relation to its own individual facts. The fact that someone prevailed or did not prevail in a particular action may or may not be relevant to your situation depending upon the facts and the law that applies to your particular transaction.

FAIR LENDING

Sometimes people have problems with their loan because the loan is not a good fit for them. For example, someone may buy a large home with a large mortgage. Several years later, the same person may find themselves not needing a large home and having difficulty with mortgage payments. The person’s needs have changed, and the time has come to consider selling the home.

However, not all mortgage problems arise because the homeowner’s circumstances changed or because the homeowner made a poor decision. In some cases, the homeowner may have been set up for problems because of bad advice from a mortgage broker, lender, or servicer. Some problems are the result of predatory lending practices. Predatory lending practices may sometimes be defenses to a mortgage foreclosure lawsuit, but not in every instance. “Predatory lending” is not a precise legal term, but certain predatory practices are prohibited by federal, state, and local laws. If you suspect that you have been the victim of a predatory lending practice, contact a knowledgeable attorney or a counselor at a HUD approved housing counseling agency immediately.
Both federal and state laws prohibit discrimination in housing. Some lending practices violate laws designed to help people who experience discrimination based on protected status. Both individuals and communities are protected. In other words, it is illegal for a lender to refuse to give a homeowner a prime-rate loan because the lender only gives subprime-rate loans to African Americans and reserves prime-rate loans for Whites. It is also illegal for a lender to make assumptions about a community because of the make-up of the community. For example, a lender cannot offer different loan packages in predominantly Hispanic neighborhoods than it does in areas where most people are White.

Not all predatory lending violates the fair housing laws, but many individuals and groups have been targeted because of their race or other protected status. Intentionally targeting protected classes or following practices and procedures that have a discriminatory impact on protected classes or that perpetuate discrimination may violate the fair housing laws as well as other federal and state consumer protection laws. Bringing a fair housing claim may entitle the victim to greater remedies than are afforded under state or federal consumer protection statutes.

FEDERAL LAWS

Two powerful laws protect the federal right to borrow mortgage money without discrimination: the Fair Housing Act (FHA) and the Equal Credit Opportunity Act (ECOA).

The FHA applies to almost any activity related to finding a place to live—renting, buying, selling, obtaining insurance, obtaining mortgages, etc. For this reason, mortgage lending and servicing (activities after the mortgage is originated) are covered activities under the FHA.

WHO IS PROTECTED FROM DISCRIMINATION UNDER FEDERAL LAW?

The FHA protects persons based on the following:

- Race
- Color
- National origin
- Religion
- Sex
- Familial status
- Disability

The FHA protects anyone who is injured by a discriminatory housing practice, not just persons who are themselves in a protected class. Thus, buyers, renters, family members, neighbors, community residents, cities and local governmental organizations, brokers, or anyone else who is injured can potentially bring a fair housing action. For instance, if your property values are affected because of the illegal actions of a lender or borrower in the community, you may have a cause of action.
The ECOA protects persons based on the following:

- Race
- Color
- National origin
- Religion
- Sex
- Marital status
- Age (as long as the applicant is old enough to enter into a contract)
- Applicant’s receipt of income from a public assistance program
- Applicant’s exercise, in good faith, of any right under the Consumer Credit Protection Act

**WHAT HAPPENS IF YOU EXPERIENCE DISCRIMINATION THAT IS ILLEGAL UNDER FEDERAL LAW?**

Victims of discrimination may vindicate their rights in court or through a complaint with an administrative agency. Complaints under the FHA must be filed with the U.S. Department of Housing and Urban Development (HUD) within one year from the time of the discrimination. See Appendix A for a sample complaint form. In addition, a fair housing complaint may be filed directly as a lawsuit in federal or state court. Complaints under the FHA must be filed in court within two years of the last act of discrimination, but this time may be extended if a timely complaint is filed at HUD. Where discrimination affects a large number of persons, complaints may be initiated by the United States Department of Justice.

There are good reasons to file an administrative complaint rather than a lawsuit. For example:

- there is no filing fee;
- the complainant can have an attorney but does not have to have one;
- the administrative agency will investigate and try to resolve the matter through a process called “conciliation;” and
- the statute of limitations for filing the lawsuit will be extended while the administrative process continues.

The process can include an administrative hearing, and there is a right to appeal the outcome of an administrative hearing.

In Illinois and many other states, those filing a complaint with HUD should be aware that, for example, the Illinois Department of Human Rights (IDHR) is considered to be a HUD-equivalent agency. HUD rules mandate that cases filed with HUD be referred to a substantially equivalent state agency. Therefore, when a case filed with HUD ends up being investigated by IDHR, the complainant should not feel this referral means the case is not good. HUD is simply following the procedure set forth by Congress.

In contrast to FHA complaints, ECOA complaints must be filed in federal court.
Although litigation can be expensive and time-consuming, both FHA and ECOA complaints are attractive to attorneys. It is possible for a victim of discrimination to find an attorney who will work on a “contingency basis,” collecting fees if the lawsuit succeeds. In Illinois, agreements to work on a contingency must be in writing. It is important to understand any fees and costs for which you will be liable before working with any lawyer. If the lawsuit is successful, the attorney’s fees of the plaintiff are assessed against the defendant even if there is a contingency arrangement.

After a court or administrative agency hears a case, the judge may decide in favor of the person alleging discrimination and award damages, including costs and fees. Alternatively, the parties may reach a settlement decision on their own or through HUD’s conciliation process.

Damages that may be awarded in FHA and EEOC cases are extensive, but cannot be guaranteed in any case.

Relief available under the FHA includes:

- Compensatory damages including out of pocket expenses and compensation for humiliation, emotional distress, and pain and suffering
- Punitive damages to victims in court actions. HUD administrative law judges cannot award punitive damages
- Civil penalty to governmental entities
- Affirmative relief including changes in the housing provider’s procedures and rules and an order not to discriminate in the future
- Reimbursement for court fees and costs

Relief available under ECOA includes:

- Actual damages
- Punitive damages limited to $10,000
- Affirmative relief
- Fees
- Costs

STATE LAWS

Illinois and many states try to protect citizens through a number of state laws aimed at reducing discrimination and predatory lending. One of the most important is the Illinois Human Rights Act (IHRA). This is enforced in the courts by private parties or through Illinois Department of Human Rights (IDHR) administrative hearings. It is also enforced by the Illinois Attorney General.

It is important to understand that actions by the Attorney General are directed at protecting the public, not at helping a specific person. The fact the Attorney General sues a company does not mean you do not have to pay your mortgage or that you can ignore a
foreclosure filed by that company. The Attorney General is similar to the police—the police may apprehend a criminal and even return stolen goods to a victim. The police do not, however, bring civil suits to help people collect money from the criminal. Both the Attorney General and the police help many individual victims, however, the main role of each is to protect the public.

The IHRA includes more protected classes of people than the federal laws. These additional protected classes include:

- Ancestry
- Age (40 and over)
- Order of protection status
- Marital status
- Sexual orientation (which includes gender-related identity)
- Unfavorable military discharge

**WHAT HAPPENS IF YOU EXPERIENCE DISCRIMINATION THAT VIOLATES STATE LAW?**

If you experience discrimination in a way that violates the IHRA, you can file a complaint with IDHR. The complaint must be filed within a year. A sample IDHR complaint form is found in Appendix B. There is no filing fee. You may file a complaint with or without retaining an attorney. IDHR investigates the complaint and there are opportunities for conciliation or mediation as well as the opportunity for a hearing. The process is informal and easy for homeowners to use. Final decisions may be appealed.

Relief under the IHRA may include:

- Fines
- Affirmative relief
- Actual damages, including damages for embarrassment and humiliation
- Fees
- Civil penalties
- Requirement that respondent submit compliance reports and post notices of compliance with the Department

**LOCAL LAWS**

If you suspect you have experienced discrimination, you should check local fair housing ordinances. Chicago has very inclusive fair housing ordinances. It protects all the classes under federal and state law and also includes:

- Source of income, which includes Section 8 vouchers
- Gender identity
- Parental status
Another source of local law is county ordinances. Cook County, through the Cook County Human Rights Ordinance (CCHRO), includes all the classes protected under the Chicago ordinance as well as housing status; however, its source of income provision excludes persons with Section 8 vouchers.

Cook County specifies “credit transactions” as a separate protected area. It forbids discrimination in any aspect of a credit transaction.

WHAT IF YOU EXPERIENCE DISCRIMINATION THAT VIOLATES A LOCAL LAW?

If you experience discrimination, you can complain to the local administrative agency. In Chicago the administrative agency is the City of Chicago Human Relations Commission. The complaint must be filed within 180 days. A sample form is attached in Appendix C.

Relief under the Chicago Fair Housing Ordinance may include:

- Actual damages
- Emotional distress damages
- Affirmative relief
- Fines
- Punitive damages
- Fees
- Costs

Complaints under the Cook County Human Rights Ordinance (CCHRO) must be filed within 180 days. See Appendix D for a sample CCHRO complaint form. Relief under the CCHRO includes:

- Affirmative relief
- Fines
- Actual damages
- Fees
- Costs

COMMON PRACTICES THAT VIOLATE FEDERAL, STATE, OR LOCAL FAIR HOUSING/FAIR LENDING LAWS

A lender cannot legally make a decision in whole or part because of the protected class of the borrower or the neighborhood where the housing unit is located. For example, a lender could not charge African Americans a higher loan application fee than Whites.

However, many kinds of discrimination are more subtle. Discrimination is not limited to individual transactions. Instead, it often takes place through treating people in one geographic area differently than those in another. For example, everyone in a census tract where most people are Hispanic is given a less favorable loan regardless of individual credit rating than persons in a non-Hispanic census tract. Although a policy may seem to be neutral, if it impacts more heavily
on one group of people who have a protected status than non-protected groups, this may be illegal because of its “disparate impact.”

It is illegal for advertising to reflect a preference based on an illegal classification. For instance, it is illegal to target advertisements for subprime-rate loans to minority neighborhoods while advertising prime-rate loans in White neighborhoods. Less frequently, some advertisers may include visual cues in advertisements, such as only featuring White models in photographs advertising a community.

Cities have sued lenders for violating the Fair Housing Act where persons in protected classes received subprime loans when they qualified for prime loans. Because subprime loans are more costly, they are more likely to go into default. The resulting vacant buildings cause the cities to lose tax revenue and to spend more for maintenance and emergency response calls.

Discrimination can occur when homeowners seek to modify a loan. For example, a lender could illegally refuse to consider a modification for someone who took maternity leave or ask a woman how she is going to provide for birth control.

Fair housing and fair lending are important in every aspect of lending: advertising, loan origination, loan servicing, modification of loans, foreclosure, and how foreclosed buildings are maintained. Discrimination can be subtle. If you suspect discrimination contact The John Marshall Law School Fair Housing Legal Clinic at 312.786.2267. Staff at the Clinic may be able to conduct “tests”—a highly specialized process to determine whether discrimination is taking place.

**NEXT STEPS:**
If you believe you are a victim of discriminatory housing or home lending practices, you should consider doing the following:

1. Gather any documents related to your situation
2. Call The John Marshall Law School Fair Housing Legal Clinic at 312.786.2267
3. Prepare to file a complaint using the applicable forms that are found in the Appendix.
4. Consider seeking a private lawyer if a clinic is unable to take your case. Since many fair housing laws allow for attorney costs and fees, you may be able to find a lawyer who will not charge a fee up-front and will take the fee and costs from the award if you win.
GLOSSARY

Actual damages – Actual damages are the same as compensatory damages defined below.

Administrative complaint – A complaint alleging housing discrimination filed at an administrative agency such as HUD, the Illinois Department of Human Rights or a local human rights agency.

Administrative hearing – A presentation of facts or an argument on law before an administrative agency to determine if a violation of the law has occurred.

Advertising – As defined in the Fair Housing Act, an advertisement is any written or spoken publication in reference to the sale or rental of housing.

Attorney General – Attorney General refers to the Attorney General of the United States and, by inference, to the United States Department of Justice.

Chicago Fair Housing Ordinance – The local law in Chicago that prohibits housing discrimination. It is not substantially equivalent to the federal Fair Housing Act. It is enforced by the City of Chicago Human Relations Commission.

Civil Penalty – A monetary penalty that can be imposed upon a defendant found guilty of willful, malicious or reckless discriminatory acts. The penalty is paid to the government, not to the plaintiff.

Compensatory Damages – The damages a victim of housing discrimination can recover to compensate for injuries actually sustained. Compensatory damages can include out-of-pocket expenses, compensation for loss of rights, and compensation for humiliation and emotional distress.

Complainant – A person who files a complaint either in an administrative agency or in court to begin an administrative investigation or a lawsuit. The complaint should state the facts giving rise to a fair housing violation.

Conciliation – Conciliation refers to the efforts of HUD or a state agency to attempt the resolution of a fair housing complaint without a hearing by securing a settlement between the parties.

Contingency Fee Agreement – An arrangement whereby the complaint’s attorney takes a percentage of the complaint’s award as attorney’s fees if the complainant is successful.

Cook County Human Rights Ordinance – The local law applicable in Cook County that prohibits housing discrimination. It is not substantially equivalent to the federal Fair Housing Act and is enforced by the Cook County Department of Human Rights.
Costs – These are the fees paid to file an action in court.

Disparate impact – A policy may be neutral on its face but nonetheless have a discriminatory impact or effect on a protected class. Impact is normally shown through statistics. Once an impact is shown, the respondent must articulate a sound business reason for the policy.

Equivalent Agency – A state or local human rights agency that enforces a fair housing law or ordinance that is substantially similar to the Federal Fair Housing Act.

Fines – Statutorily imposed penalties assessed against anyone who violates the fair housing laws. Such Fines normally do not go to the complainant.

Foreclosure – A proceeding initiated by a lender to terminate all rights of a borrower who cannot meet his or her obligations on a loan secured by real property.

Equal Credit Opportunity Act – A federal act that protects against discrimination in certain lending transactions.

Fair Housing Act – The federal law originally enacted in 1968 that prohibits discrimination in residential housing.

Home equity line of credit – A process whereby homeowners are pre-approved to borrow a certain amount of money based on the equity in their home.

HUD-approved housing counselor – Persons that are trained to advise buyers or homeowners about meeting their financial obligation on their homes.

Injunctive Relief – An order by a court requiring a defendant to do something or to stop from doing something. An injunction can normally be imposed only after there is a hearing.

Modification – A process whereby a lender will reduce the obligations owed by a borrower on a loan.

Mortgage – An interest in property given to a lender as security against the borrower defaulting on a loan.

Note – A legal instrument signed by a borrower promising to pay a certain amount of money at a certain time.

Prime – A loan given with an interest rate that is tied to a fixed standard and is generally the best rate available from a commercial lender.

Punitive Damages – Damages awarded to a plaintiff to punish a defendant for willful, malicious, or reckless discriminatory acts.

Servicing – The process of collecting the interest and principle on a loan after the loan is written.
**Subprime** – A loan with a higher interest rate than is given to prime borrowers. It should be tied to the credit worthiness of the borrower, but it is often abused when it is given to persons who would qualify for a prime loan.

**Testing** – A procedure approved by the courts whereby non-applicants pose as applicants to see if members of different classes are treated differently.

**U.S. Department of Housing and Urban Development (HUD)** – The federal administrative agency charged with enforcing the federal Fair Housing Act.
APPENDICES

A—HUD Complaint Form
B—IDHR Complaint Form
C—Chicago Department of Human Relations Complaint Form
D—Cook County Department of Human Rights Complaint Form

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Appendix A

HUD Complaint Form
Are You a Victim of Housing Discrimination?

Fair Housing is Your Right!

If you have been denied your housing rights...you may have experienced unlawful discrimination.

U.S. Department of Housing and Urban Development
For Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island, and Vermont:
NEW ENGLAND OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Room 321
Boston, MA 02222-1092
Telephone (617) 994-8300 or 1-800-877-5677
Fax (617) 565-7313 - TTY (617) 565-5153
E-mail: Complaints_office_01@hud.gov

For New Jersey and New York:
NEW YORK/New JERSEY OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
26 Federal Plaza, Room 3532
New York, NY 10278-0088
Telephone (212) 264-1390 or 1-800-453-4880
Fax (212) 264-9285 - TTY (212) 264-0927
E-mail: Complaints_office_02@hud.gov

For Delaware, District of Columbia, Maryland,
Pennsylvania, Virginia, and West Virginia:
MID-ATLANTIC OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
The Wannamaker Building
100 Peirce Square East
Philadelphia, PA 19107
Telephone (215) 656-0653 or 1-888-799-2085
Fax (215) 656-3419 - TTY (215) 656-3450
E-mail: Complaints_office_03@hud.gov

For Alabama, the Caribbean, Florida, Georgia, Kentucky, Mississippi,
North Carolina, South Carolina, and Tennessee:
SOUTHEAST/CAROLINA OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
Five Points Plaza
40 Marietta Street, 14th Floor
Atlanta, GA 30303-2008
Telephone (404) 521-5100 or 1-800-440-0791
Fax (404) 521-1021 - TTY (404) 790-2654
E-mail: Complaints_office_04@hud.gov

For Illinois, Indiana, Michigan, Minnesota,
Ohio, and Wisconsin:
MIDWEST OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard, Room 2101
Chicago, IL 60604-3507
Telephone (312) 353-3776 or 1-800-765-9372
Fax (312) 886-2637 - TTY (312) 353-7143
E-mail: Complaints_office_05@hud.gov

For Arkansas, Louisiana, New Mexico, Oklahoma, and Texas:
SOUTHWEST OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
801 North Cherry, 27th Floor
Fort Worth, TX 76102
Telephone (817) 978-5900 or 1-888-560-9513
Fax (817) 978-5876 or 1-888-560-9513
E-mail: Complaints_office_06@hud.gov

For Iowa, Kansas, Missouri, and Nebraska:
GREAT PLAINS OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
Gateway Tower II
400 State Avenue, Room 200. 4th Floor
Kansas City, KS 66101-2406
Telephone (913) 551-6958 or 1-800-743-5373
Fax (913) 551-6856 - TTY (913) 551-6973
E-mail: Complaints_office_07@hud.gov

For Colorado, Montana, North Dakota, South Dakota,
Utah, and Wyoming:
ROCKY MOUNTAINS OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
1670 Broadway
Denver, CO 80202-4001
Telephone (303) 672-5437 or 1-888-877-2353
Fax (303) 672-5248 - TTY (303) 672-5248
E-mail: Complaints_office_08@hud.gov

For Arizona, California, Hawaii, and Nevada:
PACIFIC/HAWAII OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
600 Harrison Street, Third Floor
San Francisco, CA 94107-9700
Telephone (415) 469-6524 or 1-800-347-3739
Fax (415) 469-6594 - TTY (415) 469-6594
E-mail: Complaints_office_09@hud.gov

For Alaska, Idaho, Oregon, and Washington:
NORTHWEST/ALASKA OFFICE
Fair Housing Hub
U.S. Dept. of Housing and Urban Development
Seattle Federal Office Building
909 First Avenue, Room 202
Seattle, WA 98104-1000
Telephone (206) 230-5170 or 1-800-877-0246
Fax (206) 230-5477 - TTY (206) 230-5185
E-mail: Complaints_office_10@hud.gov

If after contacting the local office nearest you, you still have questions— you may contact HUD further at:
U.S. Dept. of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
451 7th Street, SW, Room 5204
Washington, DC 20410-2000
Telephone (202) 708-0836 or 1-800-669-9777
Fax (202) 708-1425 - TTY 1-800-927-9275

To file electronically, visit: www.hud.gov
Public Reporting Burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The Department of Housing and Urban Development is authorized to collect this information by Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, (P.L. 100-430); Title VI of the Civil Rights Act of 1964, (P.L. 88-352); Section 504 of the Rehabilitation Act of 1973, as amended, (P.L. 93-112); Section 109 of Title I- Housing and Community Development Act of 1974, as amended, (P.L. 97-35); Americans with Disabilities Act of 1990, (P.L. 101-336); and by the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6103).

The information will be used to investigate and to process housing discrimination complaints. The information may be disclosed to the United States Department of Justice for its use in the filing of pattern and practice suits of housing discrimination or the prosecution of the person(s) who committed that discrimination where violence is involved; and to State or local fair housing agencies that administer substantially equivalent fair housing laws for complaint processing. Failure to provide some or all of the requested information will result in delay or denial of HUD assistance.

Disclosure of this information is voluntary.
Instructions: (Please type or print) Read this form carefully. Try to answer all questions. If you do not know the answer or a question does not apply to you, leave the space blank. You have one year from the date of the alleged discrimination to file a complaint. Your form should be signed and dated.

Your Name

Your Address

City  State  Zip Code

Best time to call  Your Daytime Phone No  Evening Phone No

Who else can we call if we cannot reach you?

Contact's Name  Best Time to call

Daytime Phone No  Evening Phone No

Contact's Name  Best Time to call

Daytime Phone No  Evening Phone No

What happened to you?

How were you discriminated against?

For example: were you refused an opportunity to rent or buy housing? Denied a loan? Told that housing was not available when in fact it was? Treated differently from others seeking housing?

State briefly what happened.

Form HUD-903.1 (1/02)  OMB Approval No. 2529-0011 (exp. 1/31/2011)
2. Why do you think you are a victim of housing discrimination?
   Is it because of your:
   - race - color - religion - sex - national origin - familial status (families with children under 18) - disability?
   For example: were you denied housing because of your race? Were you denied a mortgage loan because of your religion? Or turned down for an apartment because you have children?
   Briefly explain why you think your housing rights were denied and circle the factor(s) listed above that you believe apply.

   Who do you believe discriminated against you?
   For example: was it a landlord, owner, bank, real estate agent, broker, company, or organization?
   Identify who you believe discriminated against you.

   Name

   Address

4. Where did the alleged act of discrimination occur?
   For example: Was it at a rental unit? Single family home? Public or Assisted Housing? A Mobile Home?
   Did it occur at a bank or other lending institution?
   Provide the address.

   Address

   City                              State                              Zip Code

5. When did the last act of discrimination occur?
   Enter the date

   ___/___/___

   Is the alleged discrimination continuing or ongoing?
   Yes [ ] No [ ]

   Signature

   Date

Send this form to HUD or to the fair housing agency nearest you. If you are unable to complete this form, you may call that office directly. See address and telephone listings on back page.
It is Unlawful to Discriminate in Housing Based on These Factors...

- Race
- Color
- National origin
- Religion
- Sex
- Familial status (families with children under the age of 18, or who are expecting a child)
- Handicap (if you or someone close to you has a disability)

If You Believe Your Rights Have Been Violated...

- HUD or a State or local fair housing agency is ready to help you file a complaint.

- After your information is received, HUD or a State or local fair housing agency will contact you to discuss the concerns you raise.

Keep this information for your records.

Date you mailed your information to HUD: ______/_____/_____
Address to which you sent the information: ________________________

Office ___________________________ Telephone _________________________
Street ____________________________
City __________ State __________ Zip Code ____________________________

If you have not heard from HUD or a State or local fair housing agency within three weeks from the date you mailed this form, you may call to inquire about the status of your complaint. See address and telephone listings on back page.
ARE YOU A VICTIM OF HOUSING DISCRIMINATION?

"The American Dream of having a safe and decent place to call 'home' reflects our shared belief that in this nation, opportunity and success are within everyone's reach. Under our Fair Housing laws, every citizen is assured the opportunity to build a better life in the home or apartment of their choice — regardless of their race, color, religion, sex, national origin, family status or disability."

Alphonso Jackson
Secretary

HOW DO YOU RECOGNIZE HOUSING DISCRIMINATION?

Under the Fair Housing Act, it is Against the Law to:

- Refuse to rent to you or sell you housing
- Tell you housing is unavailable when in fact it is available
- Show you apartments or homes only in certain neighborhoods
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Advertise housing to preferred groups of people only
- Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan
- Deny you property insurance
- Conduct property appraisals in a discriminatory manner
- Refuse to make reasonable accommodations for persons with a disability if the accommodation may be necessary to afford such person a reasonable and equal opportunity to use and enjoy a dwelling.
- Fail to design and construct housing in an accessible manner
- Harass, coerce, intimidate, or interfere with anyone exercising or assisting someone else with his/her fair housing rights
Appendix B

IDHR Complaint Form
**State of Illinois**
**Department of Human Rights**

**HOUSING/REAL ESTATE TRANSACTIONS**
**COMPLAINANT INFORMATION SHEET**

See Pages 2 and 3 for Instructions, Notice of Accessibility, and Notices to Complainant.

<table>
<thead>
<tr>
<th>Name</th>
<th>Housing/REAL ESTATE TRANSACTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Aggrieved Person(s) or Organization:</td>
<td>Telephone Number:</td>
</tr>
<tr>
<td>Address</td>
<td>County</td>
</tr>
<tr>
<td>City, State, ZIP</td>
<td>E-Mail Address:</td>
</tr>
<tr>
<td>Who else can we call if we cannot reach you?</td>
<td></td>
</tr>
<tr>
<td>First Contact's Name:</td>
<td>Daytime Phone:</td>
</tr>
<tr>
<td>Address/City/State/ZIP:</td>
<td></td>
</tr>
<tr>
<td>Second Contact's Name:</td>
<td>Daytime Phone:</td>
</tr>
<tr>
<td>Address/City/State/ZIP:</td>
<td></td>
</tr>
</tbody>
</table>

1a. What happened to you? Check all that apply.

- [ ] Refused an opportunity to rent or buy housing or told that housing was not available when it was?
- [ ] Denied a loan?
- [ ] Refused a request to accommodate policies or practices or modify housing because of a disability?
- [ ] Discriminated against in the terms or conditions of sale, rental occupancy, or in services or facilities?
- [ ] Discriminated against in financing of a home or commercial property?
- [ ] Discriminated against in broker's services?
- [ ] Treated differently from others seeking housing?
- [ ] Intimidated/interfered/coerced in the exercise of your housing rights?
- [ ] Other (explain)

1b. State briefly what happened. (Attach an additional page if necessary.)

<table>
<thead>
<tr>
<th>2a. On what date did the last act of discrimination occur?</th>
<th>2b. Is the action on going?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

3. Why do you believe you are being discriminated against? For example: were you denied housing because of your race? Were you denied a mortgage loan because of your religion? Or turned down for an apartment because you have children? Were you harassed because you assisted someone in obtaining their fair housing rights? Briefly explain why you think your housing rights were denied because of any of the protected classes listed on page 2.

<table>
<thead>
<tr>
<th>4a. Who do you believe discriminated against you?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Address/City/State/Zip Code:</td>
</tr>
</tbody>
</table>

4b. Mark the applicable box that describes the person named above:

- [ ] Landlord
- [ ] Owner
- [ ] Bank or Other Lender
- [ ] Real Estate Agent
- [ ] Broker
- [ ] Other

4c. If the person named was acting for a company, write the name and address of the company here:

<table>
<thead>
<tr>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address/City/State/Zip Code:</td>
</tr>
</tbody>
</table>

5a. What kind of house, rental unit or property was involved? Check the appropriate box(es):

- [ ] Single family home
- [ ] Apartment building of more than 4 units
- [ ] Owner lives on the property
- [ ] Public or assisted housing
- [ ] Mobile home park
- [ ] Commercial space
- [ ] Vacant land or other (specify): [ ] # of units on the property:

5b. What is the address of the house, rental unit, or property? Is the property still available?

<table>
<thead>
<tr>
<th>Address:</th>
<th>Is the property still available?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apt No.:</td>
<td>Yes</td>
</tr>
<tr>
<td>City/State/Zip Code:</td>
<td></td>
</tr>
</tbody>
</table>

We need some information for statistical purposes:

<table>
<thead>
<tr>
<th>6a. Sex</th>
<th>6b. Date of birth: (age cases only)</th>
<th>6c. National Origin (specify):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6d. How did you learn of our office? 7. Have you filed a charge with any other agency? If so, which agency?

Continued on page 2

100 W. Randolph St., 10th Floor, Attn: Housing Intake, Chicago, IL 60601; 312-814-6223; 866-740-3953 (TTY); INTERVIEWS MON.-THURS. IN SPRINGFIELD: 222 South College, Room 101-A, Attn: Housing Intake, Springfield, IL 62704; 217-785-5100; 866-740-3953 (TTY); WEBSITE: www.state.il.us/dhrfth TOLL FREE: 800-662-3942 CHICAGO FAX NO. 312-814-6251 CIS-HSG Rev 5/23/11
IDHR Notice of Accessibility: IDHR's programs are accessible to persons with disabilities in compliance with the ADA and Sec. 504 of the Rehabilitation Act of 1973. A person with a disability needing an accommodation to participate in IDHR programs should contact the ADA Coordinator at 217-785-5119 or 866-740-3953 (TTY).

Instructions: Read this entire form and all the instructions carefully before completing. All questions should be answered. However, if you do not know the answer or if a question is not applicable, leave the question unanswered and fill out as much of the form as you can. Return the form in person, by mail or fax to IDHR's Chicago Office. You have one year from the date of the alleged discrimination to file a charge, but it's best to file as soon as possible. The form should be signed and dated below. Use additional sheets if necessary. THIS IS NOT A CHARGE. If IDHR accepts your claim, we will send you a charge form for signature.

Protected classes: It is a violation of the Illinois Human Rights Act to deny a person housing rights because of any of the following protected classes: race • color • religion • sex (including sexual harassment) • national origin • familial status (families with children under 18) • disability • aiding/abetting • willful interference and coercion • military status • unfavorable military discharge • retaliation • marital status • ancestry • age (40 and over) • sexual orientation (including gender identity) • and order of protection status.

NOTICE TO COMPLAINTANT ON RELEASE OF IDENTITY AND PERSONAL INFORMATION

The Illinois Human Rights Act ("Act"), 775 ILCS 5/1-101 et seq., and Section 2520.330 of the Department’s Rules and Regulations, 58 Ill. Admin. Code, Ch. II, Section 2520.330, require a complainant to contain certain information in such detail as to substantially apprise the parties of the time, place, and facts with respect to the alleged civil rights violation. Pursuant to the Department’s Rules and Regulations (2 Ill. Admin Code, Ch. X, Section 926.210), anyone who submits information to the Illinois Department of Human Rights ("IDHR") in connection with a discrimination charge should take notice and be aware of the following:

(a) All contents and files maintained by IDHR pertaining to charges shall be confidential and not subject to public disclosure. Relevant exceptions are: 1) the parties to a charge may inspect the file at any time subsequent to the written notification of substantial evidence, notice of default, or notice of dismissal, administrative closure, or approval of terms of settlement by the Human Rights Commission ("Commission"); 2) after the filing of a Complaint with the Commission or the institution of judicial proceedings involving a charge, the Director may release information pertaining to the charge if such information is requested of IDHR or if the Director finds such information newsworthy, useful in education or training, relevant to an issue before the General Assembly, or similarly appropriate for disclosure.

(b) Authorized personnel within IDHR analyze information that IDHR collects. This information may include personal information. IDHR staff may need to reveal some of the personal information to individuals outside the office in order to verify facts related to the charge, or to discover new facts which will help IDHR to determine whether the law has been violated. IDHR may need to disclose to Respondent correspondence, that IDHR receives from Complainant or other sources.

(c) IDHR may release the identity and personal information of the parties pursuant to a Freedom of Information Act ("FOIA") request, a subpoena or a court order, and information submitted to or obtained by IDHR may also be revealed to persons outside of IDHR to enforce a Commission Order or a settlement agreement. In addition, if a Request for Review is filed, the Chief Legal Counsel’s decision is published in the Department’s website, which is available to the public.

(d) No person is required to file a charge with IDHR and reveal personal information to IDHR; however, if a person files a charge and IDHR cannot obtain the information needed to fully investigate the allegations in the charge, IDHR may close the case.

CONSENT AGREEMENT AND RELEASE

I have read the above "Notice to Complainant" and I understand that: 1) In the course of investigating my charge, IDHR will reveal my identity (including my name) and my personal information to named Respondent(s) in my charge to obtain facts and evidence regarding my charge; 2) I do not have to reveal my personal information to IDHR, but IDHR may close my charge if I refuse to reveal information needed to fully investigate my charge; 3) IDHR may be required by law, subpoena, court order, and/or FOIA request to disclose my charge and information in the Department’s investigation file concerning my charge to persons outside of IDHR; 4) If I file a Request for Review, IDHR will publish the Chief Legal Counsel's decision in the IDHR's website, which decision will contain my name and may contain my personal information.

If IDHR takes a charge based on the information provided, I consent for IDHR to disclose my identity and personal information as necessary to process and investigate my charge, and I release IDHR from any liability whatsoever concerning disclosure of my identity and any personal information I provided to IDHR or IDHR obtained in processing my charge.

My signature below verifies the accuracy of the information provided herein and my consent and release as indicated above.

Name (printed): __________________________  Signature: __________________________  Date: __________________________

Note: If there is certain personal information you would like withheld, please discuss your concerns with a housing or intake supervisor.
The Cooper v. Salazar Injunction

The Illinois Department of Human Rights ("Department") is under a federal-court injunction that, among other things, orders the Department:

"to cease permanently from relying on credibility determinations made without affording the rights of confrontation and cross-examination".


Meaning of the Cooper Injunction

The Department cannot assess the credibility of Complainant's testimony, the testimony of Complainant's witnesses or the testimony of Respondent's representatives or the witnesses of Respondent where there is conflicting testimony. In other words, if the determination of substantial evidence turns on issues of credibility, the Department should make a finding of substantial evidence so that a trier of fact may resolve those issues of credibility. This means that if a determination of lack of substantial evidence requires the Department to make a finding of fact as to conflicting evidence, the Department will make a finding of substantial evidence so that credibility may be resolved by the Human Rights Commission at a Public Hearing or in circuit court.

The Illinois Human Rights Act defines "substantial evidence" as:

"evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance". Illinois Human Rights Act §7A-102(D)(2), codified at 775 ILCS 5/7A-102(D)(2).

The meaning of credibility

The Illinois Department of Human Rights is an investigatory agency. The Department's purpose is to gather all of the evidence from each of the parties as to whether Respondent may or may not have discriminated against the Complainant within the meaning of the Illinois Human Rights Act. The Department's purpose is to review all of the evidence and make a determination based upon the law as to whether there is sufficient evidence of discrimination to file a complaint against the Respondent with the Illinois Human Rights Commission. The Department will not make a finding that evidence submitted by a party is either believable or not believable. Thus, the Department will not base its findings on the fact that one of the parties is not telling the truth or that one party's evidence is not believable. If the resolution of the charge of discrimination requires believing the evidence of one party over another party, the Department will make a finding of Substantial Evidence and refer the matter to the Illinois Human Rights Commission so that a trier of fact may resolve the case.

Conflicting evidence exists when there are:

1) Statements of a person with material first hand knowledge contradicted by statements of a different person with material first hand knowledge.

2) Business records contradicted by oral statements of a person with material first hand knowledge.

3) Business records of one person contradicted by business records of another person.
Appendix C

Chicago Department of Human Relations Complaint Form
COMPLAINT

COMPLAINANT'S NAME

TELEPHONE

STREET ADDRESS

CITY, STATE, ZIP CODE:

RESPONDENT NAME(S)

TELEPHONE

STREET ADDRESS:

CITY, STATE, ZIP CODE:

TYPE OF COMPLAINT: ☐ EMPLOYMENT ☐ HOUSING ☐ PUBLIC ACCOMMODATION ☐ CREDIT ☐ BONDING

CHECK EACH DISCRIMINATION BASIS CLAIMED, and state your status in the space provided. For example, if you claim national origin discrimination, state your national origin. If age, state your age.

☐ RACE ☐ SEX ☐ DISABILITY

☐ COLOR ☐ SEXUAL ORIENTATION ☐ AGE (over 40)

☐ NATIONAL ORIGIN ☐ GENDER IDENTITY ☐ SOURCE OF INCOME

☐ ANCESTRY ☐ MARITAL STATUS ☐ MILITARY DISCHARGE STATUS

☐ RELIGION ☐ PARENTAL STATUS ☐ RETALIATION for filing CHHR complaint or participating in proceedings except housing cases

DATE OF THE ALLEGED DISCRIMINATION

Month, day, and year. For latest incident if more than one.

ALLEGED DISCRIMINATORY CONDUCT. In chronological order, describe each discriminatory action taken against you. Use separate numbered paragraphs. For each action, state the date it occurred; where it occurred; what happened; and the name and title of the person who did it. You may attach up to four additional sheets to complete your allegations.

I swear or affirm that I have read this complaint and that it is true and correct to the best of my knowledge, information and belief. I give permission to each named respondent to release to the Commission on Human Relations any records or other evidence relevant to the allegations in this complaint, including but not limited to internal investigations, personnel records, and medical records. This complaint consists of _ pages including this page.

COMPLAINANT SIGNATURE:

DATE SIGNED (month/day/year)
Appendix D

Cook County Department of Human Rights Complaint Form
<table>
<thead>
<tr>
<th>NAME OF COMPLAINANT (Indicate Ms., Mr. or Mrs.)</th>
<th>TELEPHONE</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>STREET ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP CODE</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>NAME OF RESPONDENT</th>
<th>TELEPHONE</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>STREET ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP CODE</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>TYPE OF COMPLAINT (Check as many as applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ EMPLOYMENT</td>
</tr>
<tr>
<td>☐ COUNTY FACILITIES, SERVICES &amp; PROGRAMS</td>
</tr>
<tr>
<td>☐ CREDIT/BONDING</td>
</tr>
<tr>
<td>☐ HOUSING</td>
</tr>
<tr>
<td>☐ PUBLIC ACCOMMODATIONS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BASIS OF DISCRIMINATION OR HARASSMENT (Check as many as applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Race</td>
</tr>
<tr>
<td>☐ Disability (Physical or mental)</td>
</tr>
<tr>
<td>☐ National Origin</td>
</tr>
<tr>
<td>☐ Sexual Harassment</td>
</tr>
<tr>
<td>☐ Sexual Orientation</td>
</tr>
<tr>
<td>☐ Marital Status</td>
</tr>
<tr>
<td>☐ Gender Identity</td>
</tr>
<tr>
<td>☐ Parental status</td>
</tr>
<tr>
<td>☐ Military Discharge Status</td>
</tr>
<tr>
<td>☐ Source of Income</td>
</tr>
<tr>
<td>☐ Housing Status</td>
</tr>
<tr>
<td>☐ Retaliation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DATE DISCRIMINATION OR HARASSMENT TOOK PLACE (List the latest date, if continuing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>month</td>
</tr>
</tbody>
</table>

| THE PARTICULARS ARE (Attach extra sheets if additional space is needed): |
| I. |

Sworn and subscribed to (or affirmed) before me this ______ day of ____________, 20___.

I declare that the foregoing is true and correct.

__________________________  ____________________________  ________
Notary Public             Complainant's Signature        Date
COOK COUNTY
COMMISSION ON HUMAN RIGHTS
COMPLAINT FORM

THE PARTICULARS ARE (CONT'D)

II.

Sworn and subscribed to (or affirmed) before me this ___ day of ________________, 20___.

__________________________________________
Notary Public

I declare under that the foregoing is true and correct.

Complainant's Signature __________________________ Date ____________

FOR OFFICIAL USE ONLY
COM. NO. # __________________
DATE REC'D: ____________