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Guest Essay: Tips on housing rights

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April 9, 2009

By The Interfaith Housing Center of the Northern Suburbs

April is National Fair Housing Month and 41 years since equal access to housing became the law of the land as part of this nation's Civil Rights Acts. Unfortunately, housing discrimination persists in the northern suburbs, often in more subtle manifestations than the blatant "no Negroes allowed" advertisements of the past.

Maybe you've heard some of the following comments while looking for a place to live: "We don't rent to more than three people for a two-bedroom apartment." "You might not feel comfortable in this neighborhood." "We don't rent to families." "You can't build a ramp for access to the building -- it won't look good." If so, you may be the victim of housing discrimination.

Under the Fair Housing Act, no person residing in the United States may be denied access to rental, for-sale housing, mortgages, or homeowners' insurance on the basis of race, color, religion, sex, national origin, disability, or presence of children. Illinois residents are also protected on the basis of age, marital status, sexual orientation, ancestry, or military discharge status. Residents of Cook County are additionally protected on the basis of source of income or housing status. Some communities may have additional protections. For example, Morton Grove and Park Ridge protect families with Section 8/Housing Choice Vouchers from discrimination.

Those seeking housing, real estate professionals, and homeowners' associations alike typically seek answers to the following questions about their rights and responsibilities:

1. I am blind and have a guide dog but the owner of the building I want to move into won't rent the apartment to me because they have a strict "no pets" policy. What do I do?

Your dog is not a pet as the landlord claims. She is an assistance animal whose job it is to help people with disabilities or chronic depression to live independently and the landlord has illegally discriminated against you by refusing to rent you the apartment. You should also be aware that it is illegal for the owner of the building to require you to pay an extra charge in the lease for your dog to live with you, although if your guide dog causes damage to the apartment, the owner is entitled to payment for the damage done to the apartment by your dog.

2. My boyfriend and I are planning on renting our first apartment together. We looked at an apartment, but after the landlord learned that we were not married, she told us the apartment had already been rented out. Can she do that?

State and local law prohibit a landlord from discriminating against a tenant or potential tenant based on marital status. In other words, a landlord cannot refuse to rent you an apartment because you are married, unmarried, or divorced, or because you choose to live with someone who you are married or not married to.

3. My wife, two children and I are interested in renting a two-bedroom apartment for our family. The property manager said that was too many people for a "small" apartment. Is that correct?

A landlord can only dictate the number of people living in an apartment according to local reasonable occupancy standards, which typically limit the number of people that can live in a unit based on the size of the unit to be rented. By the way, a landlord cannot force parents to have boys and girls in separate bedrooms.

4. I live in a condominium and the homeowners' association won't allow my caregiver to park in my space even though I am wheelchair bound and cannot be left alone while she hunts for parking. What can I do?

You can request the homeowners' association provide a "reasonable accommodation" to your disability and allow your caregiver to use your parking space. Other instances can include the installation of a ramp and making common areas accessible. Because fair housing laws protect individuals from discrimination based on disability, the association may be exposing itself to legal liability if it is found to have violated these laws.

5. I am behind on my mortgage and have gotten solicitations from counselors promising to rescue me for a fee. How do I know they are legitimate?

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Beware of scams! There is never a fee to get assistance or information about from your lender or a HUD-approved housing counselor (for a list, see www.hud.gov or www.makinghomeaffordable.gov). Also, beware of anyone who says they can "save" your home if you sign or transfer over the deed to your house. Do not sign over the deed to your property to any organization or individual unless you are working directly with your mortgage company to forgive your debt.

6. My landlord wants to evict me because I am a victim of domestic violence. What do I do?

A landlord cannot evict you on this basis. In fact, you have the right to request a landlord to change the locks within 48 hours of receiving your written request.

7. A Realtor told me that I would be happier in Suburb X because I wouldn't be "comfortable" in Suburb Y since there aren't too many "people like you" living there. Is that legal?

Real estate professionals are forbidden by fair housing laws from "steering" people to communities based on any of the legally protected classes. Realtors should only recommend properties based on objective client needs such as price range, location, and size of home. They cannot treat any otherwise prospective buyer differently. Note that even if a buyer asks to see communities only where there are Russians, say, the Realtor must explain to the buyer that they cannot participate in steering based on national origin.

8. I am Latino and I applied to move to a rental subdivision. The manager is asking me for Social Security numbers for everyone in my family. Is this legal?

Landlords, property managers, and homeowners' associations must treat everyone the same. If the manager is only making this request of Latinos, this could constitute disparate treatment against a protected class and therefore unlawful discrimination.

9. I've been looking for apartments on Craig's List. Are listings allowed to state "men only"?

Only in roommate or shared housing situations can the owner or manager indicate a gender preference. Housing that is designated for older persons or a religious community can also state restrictions based on age or religion respectively. Otherwise, fair housing laws explicitly prohibit advertisements that indicate any discriminatory preference.

10. My next door neighbors harass me every time we're in the laundry room and I think it's because I'm African American. I complain to the landlord and he says we need to work it out. I'm at the point where I just want to move. What do I do?

A landlord is liable under fair housing laws for racial harassment between tenants. In a 2007 case in Shelton, Connecticut, landlords were fined \$15,000 by the state for "taking a hands off approach" in a particularly egregious case.

The Interfaith Housing Center of the Northern Suburbs, a HUD-certified housing counseling agency founded in 1972, is here to take and investigate your discrimination complaint, inform you of your rights and options and where appropriate, secure legal resources, and file complaints with HUD, Cook County, or the suburb in which you were denied housing. Contact at (847) 501 5760 or ihcns@interfaithhousingcenter.org.

North Shore -Barrington Association of Realtors, which represents real estate professionals in the North Shore and Barrington area of Illinois, is one of 1,600 local boards and associations of Realtors nationwide that comprise the National Association of Realtors. As America's largest trade association, the association is "The Voice of Real Estate," representing more than a million members involved in all aspects on the real estate industry. For more information, contact Terry Penza at 847-480-7177 or terry@nsbar.org. You can also visit the association at nsbar.org.

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