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Renters with children find bias still exists

By Patricia Manson
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Alan S. Mills said apartment-to-rent newspaper ads stating that families with children were not welcome were common when he began practicing law 30 years ago.

Local, state and federal laws now prohibit discrimination based on familial status, Mills said.

But Mills, the legal director of the Uptown People's Law Center, said the situation has not changed much.

"Individual landlords still regularly turn down tenants because, they say, 'We don't want children in the building,'" Mills said.

Professor F. Willis Caruso, the co-executive director of The John Marshall Law School Fair Housing Legal Support Center, made the same contention.

Caruso said the center receives a good number of complaints from current or would-be renters or buyers who claim they were the target of discrimination because they have minor children.

Some people turn to government agencies with their claim that a property owner based a sales or rental decision on familial status in violation of the Chicago Fair Housing Ordinance, the Illinois Human Rights Act or the federal Fair Housing Act (FHA).

Allegations that a property owner discriminated on the basis of familial status generally come in third after allegations of housing bias on the basis of race or disability, according to entities that include the U.S. Department of Housing and Urban Development (HUD) and the Illinois Department of Human Rights (IDHR).

For example, IDHR filed charges in 347 housing cases in the year ending Sept. 30, 2010.

Of those charges, 40 percent included race as a basis for discrimination, 39 percent included disability and 11 percent included familial status.

Mills said only a handful of cases involv-

ing allegations of housing discrimination based on familial status end up going to trial.

Property owners who are confronted with evidence that they violated laws barring such discrimination tend to settle out of court, Mills said.

A suit filed in federal court in Chicago on behalf of two single mothers may be among the cases that go to trial.

The suit alleges that the owner of the Greenwillow apartment complex in Glenview is violating the Human Rights Act and the FHA.

The suit alleges that Elisabeth Manly often scolds children who play in the yards, falsely accuses them of causing property damage and throws their toys away.

Manly also has verbally abused plaintiffs Alicia Ann Tyrrell and Toni J. Dini and threatened to evict them and their respective children, the suit alleges.

And the suit alleges that Manly discouraged "testers" who claimed they had children from renting at Greenwillow while welcoming others who claimed they were childless.

But Manly contends that she is the victim.

Manly contends that the children routinely trample on bushes, deface the sidewalk, make excessive noise and ring tenants' doorbells and run away.

Manly also contends that Tyrrell herself has created problems by repeatedly refusing to allow Manly to enter her unit to conduct maintenance and by once blocking the front door of the next-door unit while Manly was showing it to a prospective tenant.

And Manly says the fact that she rented units to Tyrrell and Dini as well as to other tenants with children and recently renewed Dini's lease is evidence that she does not discriminate on the basis of familial status.

U.S. District Judge Samuel Der-Yeghiayan earlier this week declined to

issue a temporary restraining order that would have allowed Tyrrell to renew her lease when it expires on Nov. 30.

At a hearing on the matter, Der-Yeghiayan said he takes housing discrimination seriously.

But Der-Yeghiayan said Tyrrell failed to meet requirements for the issuance of a temporary restraining order.

The case is *Alicia Ann Tyrrell, et al. v. Elisabeth Manly*, No. 11 C 8207.

Attorneys representing Tyrrell and Dini include Elizabeth Shuman-Moore and Jessica A. Schneider, both of the Chicago Lawyers' Committee for Civil Rights Under Law Inc.

Also representing Tyrrell and Dini are William S. Weltman and Max A. Stein, both of Reed, Smith LLP.

Weltman and Stein are handling the case on a pro bono basis.

Manly is represented by Northbrook attorney Jeffrey R. Rosenberg of O'Halloran, Kosoff, Geitner & Cook LLC.

Legal experts say people often are unaware of laws forbidding housing discrimination on the basis of familial status.

A 2002 report prepared by The Urban Institute for HUD says only 38 percent of the members of the public who were randomly surveyed knew that the FHA prohibits treating households with children differently than households without them.

Mills, who emphasized that he was not speaking about a specific case, said many landlords also are unaware of their legal obligation not to discriminate against people with children.

But Mills said there is no basis — at least, not in Chicago — for such ignorance about the law.

Mills said Chicago officials offer landlords free training concerning the law's requirements.

"So there's no excuse for a landlord who wants to do right not to do so," he said.