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## Promoting fair housing

### The John Marshall Law School takes on housing discrimination in new report

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In a typical week, about 350 inmates are released into the city. Most return to low-income neighborhoods on the South and West Sides, looking for a place to live.

"The problems they have with getting housing cause them to go to these areas because they can't find anywhere else to live," said John Marshall Law School professor Michael P. Seng. "You're perpetuating the cycle (of reoffending) there."

Ex-offenders were just one area that Seng focused on when researching housing segregation in Chicago and Cook County.

Last month, John Marshall's Fair Housing Legal Support Center presented its report findings of "Segregation in the Chicago Metropolitan Area — Some Immediate Measures to Reverse This Impediment to Fair Housing."

The U.S. Department of Housing and Urban Development (HUD) funded the Illinois Department of Human Rights' initiative that provided a grant to the law school for its research.

Seng, director of the fair housing center, and F. Willis Caruso, a clinical professor at the law school, led the research team, which also included 10 law students.

Through research and interviews, the report focused on how segregation affects: people with housing choice vouchers (HCV); ex-offenders; immigrants; lesbian, gay, bisexual and transgender community members; and senior citizens.

Housing discrimination is the denial of housing based on race, gender, ethnicity, age, national origin, sexual orientation and gender identity,

marital status or veteran status.

A person has only 180 days to file a complaint after the act of discrimination. City residents submit claims to Chicago's Commission on Human Relations and residents outside the city in Cook County file complaints with the Cook County Commission on Human Rights.

"Given the current economic state, we knew we couldn't propose building projects and expenditures," Seng said.

"We tried to focus on very discrete areas where the federal statute or state fair housing law or city ordinances could be amended or administratively adopted. Or other education or outreach opportunities that could be undertaken to address some of Chicago's segregation problems."

About 30 percent of the fair housing clinic's work is devoted to source-of-income discrimination cases, Seng said.

"Most of the clients are African-American and other minority groups, so we saw that as a major area impacted by segregation," he said.

About 70 percent of fair housing complaints in Chicago come from people with housing choice vouchers (HCV), Seng said. HCV is a federal program that distributes vouchers that provide rental assistance, so a tenant can move from one unit of at least minimum housing quality to another that at least meets the same standard of the current dwelling.

The Chicago Fair Housing Ordinance and Cook County Human Rights Ordinance protect low-income renters from denial of housing based on the vouchers. Seng said a federal statute is needed to "have more teeth and apply to other parts of Illinois."



Michael P. Seng

Source of income is considered a protected class in both ordinances.

"We helped with the passage of the county ordinance but passing an ordinance and enforcing it is another thing," he said. "If landlords in the suburban area continue to deny housing based on income it further perpetuates discrimination in Chicago."

In the report, Seng recommended that legislation end discrimination against ex-offenders who haven't committed a serious or recent offense.

"We fully understand the reasons behind the background checks," he said. "But we do argue that there should be limited protection to ex-offenders, particularly with arrest records, like time cutoffs and a greater definition of what greater offenses are a danger to either the property or other tenants."

Ralph Melbourne, a May graduate of the law school and member of research team that focused on ex-offenders, said there is "a lot of pushback from housing companies" to offer more options.

"There's good reason, obviously, because there are a lot of safety concerns at expanding options of people who have been convicted," he said.

"But one of the loopholes with that is that a lot of times people have blanket bans on ex-offenders. Not having any guidance on what limits should be in place results in indirect segregation."

Seng said immigrants, particularly those who don't speak English, often face discrimination. Changes to state and federal law would make them a protected class, he said.

"There are laws in Illinois that certain transactions are carried

out through a translator, but that's not true of real estate transactions," he said.

More education and outreach should be given to people who work with senior citizens and senior housing providers, including assisted-living centers and nursing homes, about their duties under the fair housing laws, Seng said.

Systemic testing of senior facilities should be done on a regular basis to ensure compliance with fair housing laws, he said.

The study found that LGBT youth comprise a significant percentage of the Chicago homeless.

While sexual orientation is a protected class under Chicago and state law, Seng said more training is needed in homeless shelters to address LGBT youth. He said there are no such shelters on the South and West Sides.

"Many LGBT youth who come out are not welcome in their own communities and then they experience discrimination when they move to other communities," Seng said. "We argued greater attention and awareness should be given to that problem."

Maurice McLaugh, director at HUD's Region V Office for Fair Housing and Equal Opportunity, was not directly involved with the study but said the results could have a considerable impact on housing segregation.

"I believe that John Marshall is suggesting that the city and county have to look at these recommendations in order to be fully compliant with the civil rights obligations that are attached to their (HUD) program money," he said.

"Hopefully, policymakers will look at these recommendations and adopt some or all of them and try to take affirmative actions to overcome segregation that exists in this area."

Joi Lyons, the project manager of the study who completed her second year at John Marshall in May, said most previous solutions to housing segregation were not sufficient.

"They would say, 'We will continue' and that is inadequate because if we continue doing the same things, there are no changes that are going to be made," she said. "The city has been really good at finding the problem areas and hopefully, our solutions will help them fix them."

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