



**Board of Commissioners of Cook County  
Minutes of the Rules and Administration Committee**

**Wednesday, September 25, 2019**

**9:30 AM**

**Cook County Building, Board Room  
118 North Clark Street, Chicago, Illinois**

**ATTENDANCE**

**Present:** Suffredin, Degnen, Daley, Deer, Lowry, Miller, S. Morrison, Silvestri and Sims

**PUBLIC TESTIMONY**

**Chairman Suffredin asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code.**

- 1. Kate Walz - Shriver Center on Poverty Law**
- 2. Tom Benedetto - Chicagoland Apartment Association**
- 3. Ahmadou Drame - Safer Foundation**
- 4. Sarah Yaisuf - Community Renewal Society**
- 5. Tray O'Quinn - Concerned Citizen**
- 6. Michael Scobey - Illinois Realtors**
- 7. Maria Moon - Chicago Area Fair Housing Alliance**
- 8. April Ikengah - Concerned Citizen**
- 9. Mitchell Climons - Concerned Citizen**
- 10. George Blakemore - Concerned Citizen**

[19-5569](#)

**COMMITTEE MINUTES**

Approval of the minutes from the meeting of 09/04/2019

**A motion was made by Vice Chairman Degnen, seconded by Commissioner Silvestri, to approve 19-5569. The motion carried by the following vote:**

**Ayes:** Suffredin, Degnen, Daley, Deer, Lowry, Miller, S. Morrison, Silvestri and Sims (9)

[19-4770](#)

**Presented by:** N. KEITH CHAMBERS, Executive Director, Department of Human Rights and Ethics

**PROPOSED CHANGES TO PUBLIC FACING RULES AND REGULATIONS**

**Department:** Cook County Department of Human Rights and Ethics

**Summary:**

**PART 700 JUST HOUSING AMENDMENT INTERPRETIVE RULES**

Section 700.100 **Prohibition of Discrimination**

Article II of the Cook County Human Rights Ordinance (“Ordinance”) prohibits unlawful discrimination, as defined in §42-31, against a person because of any of the following: race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge, source of income, gender identity or housing status.

Additionally, any written or unwritten housing policy or practice that discriminates against applicants based on their criminal history, as defined in § 42-38(a) of the Ordinance, is a violation of the Ordinance. Any written or unwritten housing policy or practice which discriminates against applicants based on their convictions, as defined in § 42-38(a) of the Ordinance, prior to the completion of an individualized assessment violates the Ordinance.

Nothing in this section shall be interpreted as prohibiting a housing provider from denying housing to an applicant based on their criminal conviction history when required by federal or state law.

Nothing in these rules shall be construed as prohibiting any public housing agency from denying housing to any applicant based on the applicant’s criminal conviction history when required by federal or state law mandate or permits such denial.

**SUBPART 710 AUTHORITY AND APPLICABILITY**

Section 710.100 **Authority**

These rules are adopted in accordance with the authority vested in the Cook County Commission on Human Rights, pursuant to § 42-34(e)(5) and §42-38(c)(5)(c) of the Ordinance, to adopt rules and regulations necessary to implement the Commission’s powers.

Section 710.110 **Applicability**

These rules shall go into effect on the effective date of the Just Housing Amendment (No. 19-2394) to the Ordinance and shall only apply to claims that arise out of actions that occur on or after the effective date of the amendments.

SUBPART 720 **DEFINITIONS**

Section 720.100 **Definition of Business Day**

“Business Day” means any day except any Saturday, Sunday, or any day which is a federal or State of Illinois legal holiday.

Section 720.110 **Definition of Criminal Background Check**

“Criminal background check,” as referenced in § 42-38(e)(2)(a), includes any report containing information about an individual’s criminal background, including but not limited to those produced by federal, state, and local law enforcement agencies, federal and state courts or consumer reporting agencies.

Section 720.120 **Definition of Demonstrable Risk**

“Demonstrable risk,” as referenced in § 42-38(c)(5)(c), refers to the likelihood of harm to other residents’ personal safety and/or likelihood of serious damage to property based on the applicant’s history of criminal conviction(s) within the last five (5) years and the factors considered in the individualized assessment.

Criminal convictions that are five (5) years old or older do not represent a demonstrable risk to personal safety or property; housing providers may only consider criminal convictions that have occurred within the last five (5) years. Categories of criminal convictions that may represent a demonstrable risk to personal safety or property, unless rebutted by factors considered in the individualized assessment, include:

(A) Felony drug-related criminal activity defined as the illegal manufacture, sale, distribution of drugs or the intention to manufacture, sell, or distribute the drug, except such drug-related criminal activity that has been decriminalized or legalized after the date of conviction.

(B) Violent criminal activity defined as any criminal activity that involves the use, attempted use, or

threatened use of physical force that causes or that is substantial enough to cause serious bodily injury or property damage.

- (C) Criminal Sexual Conduct including, sexual assault, incest, open and gross lewdness or child sexual abuse.

Section 720.130      **Definition of Public Housing Agency**

“Public Housing Agency” means any state, county, municipal or other governmental entity that is authorized to develop or operate low income housing under the U.S. Housing Act of 1937 (12 U.S.C. 1701), as amended.

Section 720.140      **Definition of Relevance**

“Relevance,” as referenced in § 42-38(e)(2), refers to the degree to which an individual’s conviction history makes it more or less likely that if the criminal conduct reoccurred, the act would impact the personal safety and/or property of others.

Section 720.150      **Definition of Tenant Screening Criteria**

“Tenant screening criteria,” as referenced in § 42-38(e)(2)(a), means the criteria, standards and/or policies used to evaluate an applicant’s conviction history. The criteria, standards and/or policies shall apply ONLY AFTER a housing applicant has been pre-qualified. The criteria must explain how applicants’ criminal conviction history will be evaluated to determine whether their conviction history poses a demonstrable risk to personal safety or property.

SUBPART 730      **TWO-STEP SCREENING PROCESS**

Section 730.100      **Notice of Tenant Screening Criteria and Two-Step Screening Process**

Before accepting an application fee, a housing provider must disclose to the applicant the following information:

- (A) The tenant screening criteria, which describes how an applicant’s criminal conviction history will be evaluated to determine whether to rent or lease to the applicant;
- (B) The applicant’s right to provide evidence demonstrating inaccuracies within the applicant’s conviction history, or evidence of rehabilitation and other mitigating factors as described in §750.100 below; and
- (C) A copy the Cook County Commission on Human Rights (“Commission”) interpretative rules, or a link to the Commission’s website, or address and phone number of the Commission.

Section 730.110      **Step One: Pre-Qualification**

No person shall inquire about, consider or require disclosure of criminal conviction history before the prequalification process is complete and the housing provider has determined the applicant has satisfied all other application criteria for housing or continued occupancy.

Section 730.120      **Notice of Pre-Qualification**

Once a housing provider determines an applicant has satisfied the pre-qualification standards for housing, the housing provider shall notify the applicant that the first step of the screening procedure has been satisfied and notify the applicant that a criminal background check will be performed or solicited.

Section 730.130      **Step Two: Criminal Background Check**

After or at the same time a housing provider sends the notice of prequalification required by Section 730.120, a housing provider may perform or solicit a criminal background check on the pre-qualified applicant.

SUBPART 740      **CONVICTION DISPUTE PROCEDURES**

Section 740.100      **General**

Before denying admission or continued occupancy based on criminal conviction history, a housing provider must provide the housing applicant or resident with:

- (A) a copy of any criminal background check and other screening material relied upon; and
- (B) notice of the applicant's right to dispute the accuracy or relevance of any conviction(s) in accordance with Section 740.110 of these rules.
- (C) A copy of these rules, or a link to the Human Right's Commission website, or the address and phone number of the Commission.

Section 740.110      **Opportunity to Dispute the Accuracy and Relevance of Convictions**

- (A) Once a copy of the criminal background check is provided to the applicant, the applicant shall have five (5) business days from the postal or electronic mail date stamp to notify the housing provider in writing of the applicant's intent to dispute the accuracy or the relevance of the information.
- (B) The applicant shall have an additional five (5) business days to produce evidence that disputes the accuracy and/or relevance of any information contained within the criminal background check.

Section 740.120 **Dispute Procedures and Other Applicants**

If a pre-qualified applicant provides notice of their intent to dispute the accuracy or relevance of criminal conviction history in accordance with §740.110, the housing provider must complete the notice and dispute process of §740.110 before extending housing to another applicant.

If a housing applicant does not dispute the accuracy or relevance of the criminal conviction history and the housing provider determines that the applicant poses a demonstrable risk, the housing provider can extend housing to another pre-qualified applicant.

SUBPART 750 **INDIVIDUALIZED ASSESSMENT**

Section 750.100 **Review Process**

After giving an applicant the opportunity to dispute the accuracy and/or relevance of their conviction(s) listed in the criminal background check, a housing provider must conduct an individualized assessment, as defined in §42-38(a) of the Ordinance. The individualized assessment is used to determine whether denial based on criminal conviction history is necessary to protect against a demonstrable risk to personal safety and/or property.

The factors that may be considered in performing the individualized assessment include, but are not limited to:

- (A) the nature and severity of the criminal offense and how recently it occurred;
- (B) the conduct underlying the conviction;
- (C) the nature of the sentencing;
- (D) the number of the applicant's criminal convictions;
- (E) the length of time that has passed since the applicant's most recent conviction;
- (F) the age of the individual at the time the criminal offense occurred;
- (G) evidence of rehabilitation;
- (H) the individual history as a tenant before and/or after the conviction;
- (I) whether the criminal conviction(s) was/were related to or a product of the applicant's disability;
- (J) whether, if the applicant is an individual with a disability, any reasonable accommodation could be provided to ameliorate any purported demonstrable risk; and
- (K) other mitigating factors.

SUBPART 760 **NOTICE OF FINAL DECISION**

Section 760.100 **Decision Deadline**

A housing provider must either approve or deny an individual's housing application within three (3) business days of a final decision to deny admission or continued occupancy based on criminal conviction

history.

Section 760.110 **Written Notice of Denial**

- (A) Any denial of admission or continued occupancy based on a conviction must be in writing and must provide the applicant an explanation of why denial based on criminal conviction is necessary protect against a demonstrable risk of harm to personal safety and/or property.
  
- (B) The written denial must also contain a statement informing the housing applicant of their right to file a complaint with the Human Rights Commission of Cook County.

Section 760.120 **Confidentiality**

The housing provider must also limit the use and distribution of information obtained in performing the applicant’s criminal background check. The housing provider must keep any information gathered confidential and in keeping with the requirements of the Ordinance.

**A motion was made by Vice Chairman Degnen, seconded by Commissioner Daley, to accept as substituted 19-4770. The motion carried by the following vote:**

**Ayes:** Suffredin, Degnen, Daley, Deer, Lowry, Miller, S. Morrison, Silvestri and Sims (9)

[19-4770](#)

**Presented by:** N. KEITH CHAMBERS, Executive Director, Department of Human Rights and Ethics

**PROPOSED SUBSTITUTE TO FILE 19-4770  
(Rules Committee 9/25/2019)**

**SUGGESTED MODIFICATIONS TO PUBLIC FACING RULES AND REGULATIONS Department:**

Cook County Department of Human Rights and Ethics

**Summary:**

**PART 700 JUST HOUSING AMENDMENT INTERPRETIVE RULES**

Section 700.100 **Prohibition of Discrimination**

Article II of the Cook County Human Rights Ordinance (“Ordinance”) prohibits unlawful discrimination, as defined in §42-31, against a person because of any of the following: race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge, source of income, gender identity or housing status.

Additionally, any written or unwritten housing policy or practice that discriminates against applicants based on their criminal history, as defined in § 42-38(a) of the Ordinance, is a violation of the Ordinance. Any written or unwritten housing policy or practice which discriminates against applicants based on their convictions, as defined in § 42-38(a) of the Ordinance, prior to the completion of an individualized assessment violates the Ordinance.

Nothing in this section shall be interpreted as prohibiting a housing provider from denying housing to an applicant based on their criminal conviction history when required by federal or state law.

SUBPART 710

**AUTHORITY AND APPLICABILITY**

Section 710.100

**Authority**

These rules are adopted in accordance with the authority vested in the Cook County Commission on Human Rights, pursuant to § 42-34(e)(5) and §42-38(c)(5)(c) of the Ordinance, to adopt rules and regulations necessary to implement the Commission’s powers.

Section 710.110

**Applicability**

These rules shall go into effect on the effective date of the Just Housing Amendment (No. 19-2394) to the Ordinance and shall only apply to claims that arise out of actions that occur on or after the effective date of the amendments.

SUBPART 720

**DEFINITIONS**

Section 720.100

**Business Day**

“Business Day” means any day except any Saturday, Sunday, or any day which is a federal or State of Illinois legal holiday.

Section 720.110

**Criminal Background Check**

“Criminal background check,” as referenced in § 42-38(e)(2)(a), includes any report containing information about an individual’s criminal background, including but not limited to those produced by federal, state, and local law enforcement agencies, federal and state courts or consumer reporting agencies.

Section 720.120

**Demonstrable Risk**

“Demonstrable risk,” as referenced in § 42-38(c)(5)(c), refers to the likelihood of harm to other residents’

personal safety and/or likelihood of serious damage to property.

Criminal convictions that are five (5) years old or older do not represent a demonstrable risk to personal safety or property, except in the following circumstances:

- (A) A current sex offender registration requirement pursuant to the Sex Offender Registration Act (or similar law in another jurisdiction).
- (B) A current child sex offender residency restriction.
- (C) A conviction or conviction history that, when analyzed by the housing provider in an Individualized Assessment, warrants denial of occupancy or continued occupancy.

Section 720.130 **Individualized Assessment**

“Individualized Assessment,” as referenced in § 42-38(a) means a process by which a person considers all factors relevant to an individual’s conviction history and whether that history negatively impacts the individual’s ability to fulfill the responsibility of tenancy. Factors that may be considered in performing the Individualized Assessment include, but are not limited to:

- (1) The nature and severity of the criminal offense and how recently it occurred;
- (2) The nature of the sentencing;
- (3) The number of the applicant’s criminal convictions;
- (4) The length of time that has passed since the applicant’s most recent conviction;
- (5) The age of the individual at the time the criminal offense occurred;
- (6) Evidence of rehabilitation;
- (7) The individual history as a tenant before and/or after the conviction.

Section 720.140 **Relevance**

“Relevance,” as referenced in § 42-38(e)(2), refers to the degree to which an individual’s conviction history makes it likely that the applicant poses a demonstrable risk to the personal safety and/or property of others.

Section 720.150 **Tenant Selection Criteria**

“Tenant selection criteria,” as referenced in § 42-38(e)(2)(a), means the criteria, standards and/or policies used to evaluate whether an applicant qualifies for admission to occupancy or continued residency. The criteria, standards and/or policies concerning the applicant’s conviction history shall apply only after a housing applicant has been pre-qualified. The criteria must explain how applicants’ criminal conviction history will be evaluated to determine whether their conviction history poses a demonstrable risk to personal safety or property.

SUBPART 730

**TENANT SCREENING PROCESS**

Section 730.100

**Notice of Tenant Selection Criteria and Screening Process**

Before accepting an application fee, a housing provider must disclose to the applicant the following information:

- (A) The tenant selection criteria, which describes how an applicant will be evaluated to determine whether to rent or lease to the applicant;
- (B) The applicant's right to provide evidence demonstrating inaccuracies within the applicant's conviction history, or evidence of rehabilitation and other mitigating factors as described in §740.100(B) below; and
- (C) A copy of the Cook County Commission on Human Rights ("Commission") interpretative rules, or a link to the Commission's website, with the address and phone number of the Commission.

Section 730.110

**Pre-Qualification**

The housing provider must first determine that the applicant is qualified for admission to housing or continued occupancy.

Section 730.120

**Notice of Pre-Qualification**

Once a housing provider determines an applicant has satisfied the pre-qualification standards for housing, the housing provider shall notify the applicant that the first step of the screening—procedure has been satisfied and notify the applicant that a criminal background check will be performed or solicited.

Section 730.130

**Criminal Background Check**

After a housing provider sends the notice of prequalification required by Section 730.120, a housing provider may consider information from a criminal background check on the pre-qualified applicant.

SUBPART 740

**CONVICTION DISPUTE PROCEDURES**

Section 740.100

**General**

When denying admission or continued occupancy based on criminal conviction history, a housing provider must provide the housing applicant or resident with:

- (A) A copy of any criminal background check and other screening material relied upon; and
- (B) A statement of the Individualized Assessment performed by the housing provider to determine that denial of admission or continued occupancy is necessary to protect against a demonstrable risk to the personal safety and/or property of others.
- (C) Notice of the applicant’s right to dispute the accuracy or relevance of any conviction(s) in accordance with Section 740.110 of these rules; and
- (D) A copy of these rules, or a link to the Human Right’s Commission website, with the address and phone number of the Commission.

Section 740.110

**Opportunity to Dispute the Accuracy and Relevance of Convictions**

- (A) Once the housing provider has advised the applicant they are being denied occupancy and has delivered a copy of the denial and a copy of the criminal background check, individualized assessment and other information required by Sec. 740.100, the applicant shall have two (2) business days from the postal or electronic mail date stamp to notify the housing provider in writing of the applicant’s intent to dispute the accuracy or the relevance of the information.
- (B) The applicant shall have an additional five (5) business days to produce evidence that disputes the accuracy or relevance of information contained within the criminal background check and/or individualized assessment.

Section 740.120

**Dispute Procedures and Other Applicants**

If a pre-qualified applicant provides notice of intent to dispute the accuracy or relevance of criminal conviction history in accordance with §740.110, the housing provider must complete the dispute process of §740.110 before extending housing to another applicant.

If a housing applicant does not provide notice of intent to dispute the accuracy or relevance of the criminal conviction history within two (2) business days, and the housing provider determines that the applicant poses a demonstrable risk, the housing provider can extend housing to another pre-qualified applicant.

SUBPART 760

**NOTICE OF FINAL DECISION**

Section 760.100

**Decision Deadline**

A housing provider must either approve or deny an individual’s housing application within two (2) business days of receipt of information from the applicant rebutting the information contained in the criminal

background check and/or individualized assessment.

Section 760.110 **Written Notice of Denial**

- (A) Any denial of admission or continued occupancy based on a conviction must be in writing and must provide the applicant an explanation of why denial based on criminal conviction is necessary to protect against a demonstrable risk of harm to personal safety and/or property.
- (B) The written denial must also contain a statement informing the housing applicant of their right to file a complaint with the Human Rights Commission of Cook County.

Section 760.120 **Confidentiality**

The housing provider must limit the use and distribution of information obtained in performing the applicant’s criminal background check. The housing provider must keep any information gathered confidential and in keeping with the requirements of the Ordinance.

**A motion was made by Vice Chairman Degnen, seconded by Commissioner Daley, to recommend for approval as substituted 19-4770. The motion carried by the following vote:**

**Ayes:** Suffredin, Degnen, Daley, Deer, Lowry, Miller, S. Morrison, Silvestri and Sims (9)

**A motion was made by Vice Chairman Degnen, seconded by Commissioner Daley, to refer 19-4770 to the Human Rights Commission and the HR Commission shall respond to the Rules Committee by October 21, 2019 .The motion carried by the following vote:**

**Ayes:** Suffredin, Degnen, Daley, Deer, Lowry, Miller, S. Morrison, Silvestri and Sims (9)

**ADJOURNMENT**

**A motion was made by Vice Chairman Degnen, seconded by Commissioner Daley, to adjourn the meeting. The motion carried by the following vote:**

**Ayes:** Suffredin, Degnen, Daley, Deer, Lowry, Miller, S. Morrison, Silvestri and Sims (9)

Respectfully submitted,

  
 \_\_\_\_\_  
 Chairman

  
 \_\_\_\_\_  
 Secretary

A video recording of this meeting is available at <https://cook-county.legistar.com>.