

September 4, 2019

*Submitted via electronic mail*

The Honorable Larry Suffredin  
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**RE: Proposed Rules for Ordinance No. 19-2394**

Dear Chairman Suffredin and Honorable Members of the Rules and Administration Committee:

The Cook County Board of Commissioners took a historic step on April 25<sup>th</sup>, 2019 by passing the Just Housing Amendment (Ord. No. 19-2394). Through this legislative action, the County became one of the largest jurisdictions in the United States to protect people with arrests and conviction records from housing discrimination. As a result, local and state governments across the country will now look to Cook County as a model. It is in light of this responsibility to set the example for other local governments, and in careful consideration of both the language and the spirit of the Just Housing Amendment that Access Living submits comments in response to the draft Just Housing Amendment interpretive rules proposed by the Cook County Commission on Human Rights.

Access Living is the Center for Independent Living for the City of Chicago. We provide services and advocacy for people with all kinds of disabilities to enable them to live more independently, and with appropriate and adequate supports in the communities of their choice. Housing is a vital part of making that happen, and our housing services connect people with disabilities (including many with records) who are seeking to leave restrictive institutional settings, or who are otherwise housing insecure, to housing options that allow them to live freely and securely.

One in three U.S. adults has an arrest record, including those returning from prisons and jails. People with disabilities, by some estimates, represent one in five Americans. However, according to the Bureau of Justice Statistics, at least 40% of those in jails and prisons nationwide have disabilities.<sup>1</sup> This is likely a conservative estimate due to lack of self-identification by many people with disabilities, and because of flaws in data collection on those in prisons and jails. Because disability is often an impoverishing condition and poverty is often a disabling condition, many disabled adults become justice-involved as part of surviving day-to-day. The social service net is so fragile that it takes only one month of incarceration before Social Security will suspend a person's payments, and it takes a long time to win it back.<sup>2</sup> The ensuing overlap in disability and justice involvement is hard to quantify, but certainly exists.

We support the full comments of the Just Housing Initiative, and specifically seek to:

1. Open housing options for individuals with arrest and conviction records and their families who face frequent housing discrimination.

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<sup>1</sup> <https://www.bjs.gov/content/pub/press/dpji1112pr.cfm>

<sup>2</sup> <https://civilrights.findlaw.com/other-constitutional-rights/what-prisoners-should-know-about-social-security.html>

2. Ensure easy and consistent interpretation of the law by the general public, especially housing providers and housing seekers.
3. Reduce enforcement costs incurred by the public.
4. Reduce compliance costs to housing providers when possible without sacrificing the effectiveness of the amendment.

Recommendations:

### **The Rules Must Not Exempt Public Housing Authorities.**

Current language in the proposed rule creates an exemption for public housing authorities that was not authorized by the Just Housing Amendment. If not addressed, this exemption effectively creates two separate sets of rules, one set for privately owned housing and another for public housing or private subsidized housing. This will create great confusion for any private housing providers who lease both market rate and subsidized units, as well as housing seekers who may be transitioning between subsidized and market rate units. Likewise, a consistent standard will make enforcement much simpler for the commission. Lastly, persons with a conviction will have a fairer shot at the already difficult to access affordable housing options which their tax dollars subsidize.

### **The Rules Should Ensure People Understand Their Rights**

The easiest way to prevent discrimination is to make sure people are informed of their rights by requiring housing providers to provide a know-your-rights document to housing seekers at the same time they are provided the Notice of Tenant Screening Criteria. This will ensure that applicants have a plain language explanation of their rights and make the application process smoother for renters and housing providers.

### **The Rules Should Remove Examples of Categories of Convictions**

The Just Housing Amendment entitles every applicant—with a record or not—to be considered as an individual. Including categories of convictions in the draft interpretive rules inadvertently defines those categories as a “demonstrable risk” and permits blanket bans on people with those conviction types. All categories of convictions should be removed from the final rules to ensure that no housing seekers are automatically excluded based on a conviction category. This will ensure all applicants are assessed individually based not only on their past record but their demonstrated ability to be a good renter, neighbor, and community member.

### **The Rules Should Reduce the Time Limit on Considering Criminal History to 3 Years from the Date of Conviction**

The draft interpretive rules propose that housing providers may only consider convictions that occurred within the last five years. However, reducing the time limit to three years would ensure that the county ordinance is in line with existing practices of the Chicago Housing Authority and Housing Authority of Cook County. A three-year time limit would also bring the county ordinance in line with state law. Individuals with conviction records, for example, may now apply for nearly all state-issued occupational licenses, and if more than three years has passed post-conviction, the state must consider the time beyond the three years as evidence of rehabilitation. A shorter time limit would help reduce

administrative costs for housing providers by limiting the number of applicants in need of an individualized assessment.

Finding housing options that are affordable and accessible, regardless of disability type, is already difficult. When those same people have had involvement with the criminal justice system, securing housing becomes next to impossible. We are only able to help find housing for these individuals through carefully developed and maintained relationships with housing providers who are willing to look beyond an individual's criminal history when considering prospective tenants. Sadly, there are not nearly enough of these housing providers to meet the demand. The rulemaking implementing this ordinance must be clear that housing providers have an obligation to actively consider other factors when considering applications, so that the people with disabilities we serve, who are overwhelmingly low-income people of color, are no longer rejected by blanket policies that disqualify an applicant with a criminal background.

We urge you to incorporate these comments into the Just Housing Rules. Home is the cornerstone from which people build better lives for themselves and their families. People with disabilities who have records, like everyone else, deserve a place to call home.

Thank you,

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