



September 4, 2019

Submitted via electronic mail

The Honorable Larry Suffredin
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Chicago, IL 60602
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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, 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 Housing Choice Partners of Illinois, Inc. (HCP) submit comments in response to the draft Just Housing Amendment interpretive rules proposed by the Cook County Commission on Human Rights.

HCP provides pre- and post-move “mobility” counseling to recipients of Housing Choice Vouchers—low-income, often black or latinx families who for generations have been impacted by discriminatory housing policies. HCP works with families to set their family’s goals and then rent a home in a well-resourced community, where the benefits of high-performing schools, job and transit options, and healthy social and physical environments have been shown to have lasting positive effects on families’ overall well-being and economic mobility.

HCP has recognized through its more than 24 years of experience, that similar to HCV participants, persons with arrest and conviction records experience inordinate levels of housing discrimination on the basis of an arrest or conviction record, and often this discrimination is a proxy for racial discrimination. Within the housing advocacy/civil rights sector, it is common knowledge and well documented through academic research that persons reentering society after incarceration experience very high levels of housing discrimination, which greatly reduces access to opportunities, healthy physical environments, and other positive life determinants, all of which lead to increased patterns of segregation and likelihood of recidivism.

Furthermore, in Illinois, an inadequate affordable housing supply coupled with low and stagnant wages leaves countless Illinois families paying an unsustainable portion of their income on *unaffordable housing*. Illinois residents returning to private life after incarceration, therefore, face not only a lack of affordable housing options that already constrains housing choice, but often blanket bans and overly restrictive criminal background prohibitions in tenant screening policies. The State of Illinois has recognized these barriers and their consequences, and as a result, took recent legislative steps to create

the Rental Housing Support Re-Entry Special Demonstrative Program (“RHS Re-Entry Program”). The RHS Re-Entry Program provides supportive services in conjunction with rental subsidies reserved solely for use by persons leaving incarceration. It is in recognition of HCP’s learned experiences and in close consideration of trends at the State level, that HCP makes the following recommendations.

HCP supports the full comments of the Just Housing Initiative, and specifically seeks to:

1. Open housing options for individuals with arrest and conviction records and their families who face frequent housing discrimination.
2. Ensure easy and consistent interpretation of the law by the 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 fair chance 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

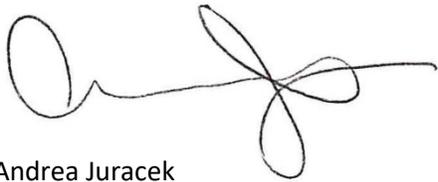
The Just Housing Amendment entitles every applicant—with a record or not—to be considered as an individual. Including categories of convictions in the draft interpretive rules inadvertently defines those categories as a “demonstrable risk” and permits blanket bans on people with those conviction types. 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 on not only their past record but also 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.

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 records, like everyone else, deserve a place to call home.

Thank you,

A handwritten signature in black ink, appearing to read 'Andrea Juracek'. The signature is fluid and cursive, with a large initial 'A' and a long, sweeping tail that loops back.

Andrea Juracek
Executive Director
Housing Choice Partners