REPORT OF THE COMMITTEE ON HUMAN RELATIONS

July 24, 2012

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Steele, Vice Chairman Silvestri, Commissioners Fritchey, Sims and Suffredin (5)

Absent: Commissioners Collins and Reyes (2)

Also Present: Commissioners Beavers, Butler; Garcia and Murphy, Patrick T. Driscoll, Jr. – Deputy State's Attorney, Chief, Civil Actions Bureau; MaryNic Foster, Executive Director, Department of Human Rights, Ethics and Women's Issues; Herman Brewer, Bureau Chief, Bureau of Economic Community Development; Richard J. Monocchio, Executive Director of Housing Authority of Cook County.

Ladies and Gentlemen:

Your Committee on Human Relations of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, July 24, 2012 at the hour of 9:00 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Chairman Steele asked the Secretary of the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-107(dd).

1. Dan Schermerhorn, Property Manager, Illinois Association of Realtors
2. Reverend Richard Mosley, Pastor, Hemingway United Methodist Church
3. Paul Arena, Director of Legislation Affairs, Illinois Rental Property Owners Association
4. Kate Walz, Director of Housing Justice, Seargent Shriver National Center on Property Law
5. Michael Seng, Concerned Citizen
6. Jane Garvey, President, Chicago Creative Investors Association
7. Adam Ballard, Community Development Organizer for Housing, Access Living
8. Dennis Brim, President of Prestige Partners Realtors
9. Harvey Rabin, Concerned Citizen
10. Sheila Schultz, Chair, Human Rights Commissioner of Cook County
11. Mary Kay Minaghan, Chicagoland Apartment Association

Your Committee has considered the following item and upon adoption of this report, the recommendation is as follows:

318660 AN AMENDMENT TO CHAPTER 42, HUMAN RELATIONS, SECTIONS 42-37 AND 42-38 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jesus G. Garcia, Jerry Butler, John A. Fritchey, Edwin Reyes, Deborah Sims, Robert B. Steele, and Larry Suffredin, County Commissioners.

Affirmatively Furthering Fair Housing by Extending Source of Income Protection to Housing Choice Voucher Holders

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of Cook County that Chapter 42 Human Relations, Sections 42-37 and 42-38, of the Cook County Code shall be amended as follows:

Sec. 42-37. Public Accommodations.

(a) *Prohibition.* No person that owns, leases, rents, operates, manages, or in any manner controls a public accommodation in Cook County shall withhold, deny, curtail, limit, or discriminate concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination.

(b) *Exceptions.*

(1) The prohibition contained in this section shall not apply to sex discrimination in any of the following:

a. *Distinctly private facility.* Any facility that is distinctly private in nature, such as rest rooms, shower rooms, bath houses, dressing rooms, or health clubs.

b. *Sleeping rooms.* Any facility that restricts rental of residential or sleeping rooms to individuals of one sex.

c. *Educational institutions.* Any educational institution that restricts enrollment of students to individuals of one sex.

d. *Determination of sex or gender.* For the purposes of the exceptions set forth in Section 42-37(b)(1)a through c, the determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State of Illinois, including a driver's license or state identification card.

(2) The Cook County Commission on Human Rights ("Commission") as defined in Section 42-34 shall adopt rules specifying any additional exceptions to the prohibition contained in this section based on bona fide considerations of public policy.

~~(3) Notwithstanding anything to the contrary contained in this article, nothing contained in this section shall require any person who does not participate in the Federal Section 8 housing assistance program (42 U.S.C. § 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such place of accommodation.~~

(c) *Sexual harassment.*

(1) No person who owns, leases, rents, operates, manages, or in any manner controls a public accommodation shall engage in sexual harassment affecting access to, participation in, or the full use of such public accommodation.

(2) When used in this subsection, the term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:

a. Submission to such conduct is an explicit or implicit term or condition of an individual's access to, participation in, or full use of a public accommodation;

b. Submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's access to, participation in, or full use of a public accommodation; or

c. Such conduct has the purpose or effect of substantially interfering with an individual's access to, participation in, or full use of any public accommodation or creating an intimidating, hostile, or offensive environment with respect thereto.

Sec. 42-38. Housing.

(a) *Definitions.* The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Person shall mean any person as defined in Section 46-31(15) of this article that is also an owner, lessor, sublessor, assignor, managing agent, or other individual, firm, or corporation having the right to sell, rent, lease, or sublease any housing unit within Cook County, or any agent, broker, or other individual working on behalf of any such individual, firm, or corporation.

Real estate transaction means the sale, exchange, rental, occupancy, lease, sublease, or lease renewal of real property for residential purposes in Cook County or the provision of services or utilities in connection with such sale, exchange, rental, occupancy, lease, sublease, or lease renewal. The term "real estate transaction" also means with respect to activity conducted or property located in Cook County, the brokering or appraising of residential real property in Cook County and the making, purchasing, or guaranteeing of loans or mortgages or providing any other financial assistance either:

(1) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(2) Secured by residential real property.

(b) *Prohibitions.*

(1) *Terms and conditions.* No person shall make any distinction, discrimination, or restriction in the price, terms, conditions, or privileges of any real estate transaction, including the decision to engage in or renew any real estate transaction, on the basis of unlawful discrimination.

(2) *Discriminatory communications.* No person shall publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to a real estate transaction which will indicate or express any unlawful limitation or discrimination on the basis of unlawful discrimination.

(3) *Listings.* No person shall deliberately and knowingly refuse examination of any listing of residential real property within Cook County to any individual because of unlawful discrimination.

(4) *Representations.* No person shall deliberately and knowingly represent to an individual that residential real property is not available for inspection, sale, rental, or lease in Cook County when in fact it is available, or fail to bring a residential real estate listing in Cook County to an individual's attention, or refuse to permit a person to inspect residential real property in Cook County because of unlawful discrimination.

(5) *Blockbusting.* No person shall solicit, for sale, lease, or listing for sale or lease, residential real property within Cook County on the grounds of loss of value due to the present or prospective entry into any neighborhood of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

(6) *Encouragement of blockbusting.* No person shall distribute or cause to be distributed written material or statements designed to induce any owner of residential real property in Cook County to sell or lease such owner's property because of any prospective change in the race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status of individuals in the neighborhood.

(7) *Creating alarm.* No person shall intentionally create alarm among residents of any community within Cook County by transmitting communication in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any person within Cook County to sell or lease the person's residential real property within Cook County because of the present or prospective entry into the vicinity of the property of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

(c) *Exceptions.* The prohibitions in this section shall not apply to any of the following:

(1) *Age.* Restricting rental or sale of a housing accommodation to an individual of a certain age group:

a. When such housing accommodation is authorized, approved, financed, or subsidized in whole or in part for the benefit of that age group by a unit of State, local, or Federal government; or

b. When the duly recorded initial declaration of a condominium or community association limits such housing accommodations to individuals 50 years of age or older, provided that an individual or members of the household of an individual owning or renting a unit in such housing accommodation prior to the recording of the initial declaration shall not be deemed to be in violation of the age restriction as long as the individual or household member continues to own or reside in the housing accommodation.

(2) *Religion.* Limitation by a religious organization, association, or society, or any not-for-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, of the sale, rental, or occupancy of a dwelling which it owns or operates for other than a commercial purpose to individuals of the same religion, or from giving preference to such individuals.

(3) *Single sex.* Restricting the rental of rooms in a housing accommodation to individuals of one sex. The determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State, including a driver's license or State identification card.

(4) *Private rooms.* Rental of a room or rooms in a private home by an owner if the owner or a member of the owner's family resides therein or, while absent for a period of not more than 12 months, if the owner or a member of the owner's family intends to return to reside therein.

~~(5) *Housing assistance program.* Notwithstanding anything to the contrary contained in this article, nothing contained in this section shall require any person who does not participate in the Federal Section 8 housing assistance program (42 U.S.C. § 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such housing accommodation.~~

(d) *Sexual harassment.*

(1) No person shall engage in sexual harassment in any real estate transaction.

(2) When used in this subsection, the term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:

a. Submission to such conduct is an explicit or implicit term or condition of an individual's real estate transaction;

b. Submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's real estate transaction; or

c. Such conduct has the purpose or effect of substantially interfering with an individual's real estate transaction or creating an intimidating, hostile, or offensive environment with respect thereto.

***Referred to the Committee on Human Relations on 6/19/12,**

Commissioner Suffredin, seconded by Commissioner Sims, moved to Accept the Proposed Substitute Ordinance Amendment to Communication No. 318660. The motion carried.

PROPOSED SUBSTITUTE ORDINANCE AMENDMENT
TO COMMUNICATION NO. 318660

Sponsored by TONI PRECKWINKLE, President, and JESUS G. GARCIA, and LARRY SUFFREDIN, County Commissioners

AFFIRMATIVELY FURTHERING FAIR HOUSING
BY EXTENDING SOURCE OF INCOME PROTECTION
TO HOUSING CHOICE VOUCHER HOLDERS

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of Cook County that Chapter 42 Human Relations, Sections 42-37 and 42-38, of the Cook County Code shall be amended as follows:

Sec. 42-37. Public Accommodations.

(a) *Prohibition.* No person that owns, leases, rents, operates, manages, or in any manner controls a public accommodation in Cook County shall withhold, deny, curtail, limit, or discriminate concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination.

(b) *Exceptions.*

(1) The prohibition contained in this section shall not apply to sex discrimination in any of the following:

a. *Distinctly private facility.* Any facility that is distinctly private in nature, such as rest rooms, shower rooms, bath houses, dressing rooms, or health clubs.

b. *Sleeping rooms.* Any facility that restricts rental of residential or sleeping rooms to individuals of one sex.

c. *Educational institutions.* Any educational institution that restricts enrollment of students to individuals of one sex.

d. *Determination of sex or gender.* For the purposes of the exceptions set forth in Section 42-37(b)(1)a through c, the determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State of Illinois, including a driver's license or state identification card.

(2) The Cook County Commission on Human Rights ("Commission") as defined in Section 42-34 shall adopt rules specifying any additional exceptions to the prohibition contained in this section based on bona fide considerations of public policy.

~~**(3)** Notwithstanding anything to the contrary contained in this article, nothing contained in this section shall require any person who does not participate in the Federal Section 8 housing assistance program (42 U.S.C. § 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such place of accommodation.~~

(c) *Sexual harassment.*

(1) No person who owns, leases, rents, operates, manages, or in any manner controls a public accommodation shall engage in sexual harassment affecting access to, participation in, or the full use of such public accommodation.

(2) When used in this subsection, the term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:

a. Submission to such conduct is an explicit or implicit term or condition of an individual's access to, participation in, or full use of a public accommodation;

b. Submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's access to, participation in, or full use of a public accommodation; or

c. Such conduct has the purpose or effect of substantially interfering with an individual's access to, participation in, or full use of any public accommodation or creating an intimidating, hostile, or offensive environment with respect thereto.

Sec. 42-38. Housing.

(a) *Definitions.* The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Person shall mean any person as defined in Section 46-31(15) of this article that is also an owner, lessor, sublessor, assignor, managing agent, or other individual, firm, or corporation having the right to sell, rent, lease, or sublease any housing unit within Cook County, or any agent, broker, or other individual working on behalf of any such individual, firm, or corporation.
Real estate transaction means the sale, exchange, rental, occupancy, lease, sublease, or lease renewal of real property for residential purposes in Cook County or the provision of services or utilities in connection with such sale, exchange, rental, occupancy, lease, sublease, or lease renewal. The term "real estate transaction" also means with respect to activity conducted or property located in Cook County, the brokering or appraising of residential real property in Cook County and the making, purchasing, or guaranteeing of loans or mortgages or providing any other financial assistance either:

(1) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(2) Secured by residential real property.

(b) *Prohibitions.*

(1) *Terms and conditions.* No person shall make any distinction, discrimination, or restriction in the price, terms, conditions, or privileges of any real estate transaction, including the decision to engage in or renew any real estate transaction, on the basis of unlawful discrimination.

(2) *Discriminatory communications.* No person shall publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to a real estate transaction which will indicate or express any unlawful limitation or discrimination on the basis of unlawful discrimination.

(3) *Listings.* No person shall deliberately and knowingly refuse examination of any listing of residential real property within Cook County to any individual because of unlawful discrimination.

(4) *Representations.* No person shall deliberately and knowingly represent to an individual that residential real property is not available for inspection, sale, rental, or lease in Cook County when in fact it is available, or fail to bring a residential real estate listing in Cook County to an individual's attention, or refuse to permit a person to inspect residential real property in Cook County because of unlawful discrimination.

(5) *Blockbusting.* No person shall solicit, for sale, lease, or listing for sale or lease, residential real property within Cook County on the grounds of loss of value due to the present or prospective entry into any neighborhood of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

(6) *Encouragement of blockbusting.* No person shall distribute or cause to be distributed written material or statements designed to induce any owner of residential real property in Cook County to sell or lease such owner's property because of any prospective change in the race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status of individuals in the neighborhood.

(7) *Creating alarm.* No person shall intentionally create alarm among residents of any community within Cook County by transmitting communication in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any person within Cook County to sell or lease the person's residential real property within Cook County because of the present or prospective entry into the vicinity of the property of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status.

(c) *Exceptions.* The prohibitions in this section shall not apply to any of the following:

(1) *Age.* Restricting rental or sale of a housing accommodation to an individual of a certain age group:

a. When such housing accommodation is authorized, approved, financed, or subsidized in whole or in part for the benefit of that age group by a unit of State, local, or Federal government; or

b. When the duly recorded initial declaration of a condominium or community association limits such housing accommodations to individuals 50 years of age or older, provided that an individual or members of the household of an individual owning or renting a unit in such housing accommodation prior to the recording of the initial declaration shall not be deemed to be in violation of the age restriction as long as the individual or household member continues to own or reside in the housing accommodation.

(2) *Religion.* Limitation by a religious organization, association, or society, or any not-for-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, of the sale, rental, or occupancy of a dwelling which it owns or operates for other than a commercial purpose to individuals of the same religion, or from giving preference to such individuals.

(3) *Single sex.* Restricting the rental of rooms in a housing accommodation to individuals of one sex. The determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State, including a driver's license or State identification card.

(4) *Private rooms.* Rental of a room or rooms in a private home by an owner if the owner or a member of the owner's family resides therein or, while absent for a period of not more than 12 months, if the owner or a member of the owner's family intends to return to reside therein.

~~(5) *Housing assistance program.* Notwithstanding anything to the contrary contained in this article, nothing contained in this section shall require any person who does not participate in the Federal Section 8 housing assistance program (42 U.S.C. § 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such housing accommodation.~~

(d) *Sexual harassment.*

(1) No person shall engage in sexual harassment in any real estate transaction.

(2) When used in this subsection, the term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:

a. Submission to such conduct is an explicit or implicit term or condition of an individual's real estate transaction;

b. Submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's real estate transaction; or

c. Such conduct has the purpose or effect of substantially interfering with an individual's real estate transaction or creating an intimidating, hostile, or offensive environment with respect thereto.

Effective Date: This Ordinance Amendment shall be in effect 90 days following adoption and signature by the President of the Cook County Board of Commissioners.

Commissioner Suffredin, seconded by Commissioner Sims moved to Approve Communication No. 318660. The motion carried.

Commissioner Suffredin informed the Commissioners that the only change on the Proposed Substitute Ordinance Amendment is changing the effective date to 90 days following adoption and signature by the President of the Cook County Board of Commissioners.

Commissioner Silvestri called for a roll call vote and the vote of yeas and nays being as follows:

Roll Call on Motion to Approve
Communication No. 318660 as Substituted

Yeas:	**Chairman Steele and Commissioner Suffredin (2)**
Nays:	**Vice Chairman Silvestri (1)**
Present:	**Commissioners Fritchey and Sims (2)**
Absent:	**Commissioners Collins and Reyes (2)**

The motion carried and the Proposed Substitute Ordinance Amendment to Communication No. 318660 was Approved.

Commissioner Suffredin, seconded by Commissioner Sims, moved to Approve the Proposed Substitute Ordinance Amendment to Communication No. 318660. The motion carried.

Commissioner Suffredin moved to adjourn the meeting, seconded by Chairman Steele. The motion carried and the meeting was adjourned.

YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION WITH REGARD TO THE MATTERS NAMED HEREIN:

Communication Number 318660 Approve by Substitute

Respectfully submitted,
Committee on Human Relations

Robert B. Steele, Chairman

Attest:

Matthew B. DeLeon, Secretary

*A video recording of this meeting is available on the Office of the Secretary to the Board's web site on the Video Page at http://blog.cookcountyil.gov/secretarytotheboard/county-board-proceedings/county-board-video-and-audio/

TONI PRECKWINKLE, PRESIDENT
COOK COUNTY BOARD OF COMMISSIONERS

COMMISSION ON HUMAN RIGHTS
SHEILA H. SCHULTZ, CHAIRPERSON

AURORA ABELLA-AUSTRIACO
ENOCH CLARK-BEY
ARSHAD JAVID
RACHEL NIEWOEHNER
ROB BREYMAIER
KENNETH A. GUNN
WILLIAM B. KELLEY

COOK COUNTY
COMMISSION ON HUMAN RIGHTS

69 WEST WASHINGTON STREET
SUITE 3040
CHICAGO, ILLINOIS 60602-3007
312/603-1100 OFFICE
312/603-9988 FAX
312/603-1101 TT/TDD

MARYNIC U. FOSTER
EXECUTIVE DIRECTOR

July 24, 2012

Honorable Toni Preckwinkle, President
Honorable Members of the Cook County Board of Commissioners
118 North Clark Street, 5th Floor
Chicago, Illinois 60602

Dear Madam President and Members of the Cook County Board:

On behalf of the entire Cook County Commission on Human Rights, I request your support of an amendment to the Cook County Human Rights Ordinance ("Ordinance"). This proposed amendment removes the exclusionary language from the County's Human Rights Ordinance, which specifically exempts from the protections of the Ordinance, those individuals who hold Housing Choice Vouchers. This amendment would allow for voucher holders to enjoy the same protections against discrimination that are afforded to others under the Cook County Human Rights Ordinance, and which are already afforded by the Chicago Fair Housing Ordinance to Housing Choice Voucher holders who reside or seek housing within the City of Chicago.

In supporting this amendment, the Cook County Board of Commissioners enables those who need it most, to have better access to decent and affordable housing throughout Cook County. It would also assist the County, as a recipient of Community Development Block Grant funds from the federal government, to meet one of the key mandates for the award of such funds, which is to evidence "affirmative furthering of fair housing" in Cook County.

The Ordinance as it currently exists, because of the exception and exclusionary language in Chapter 42, Article II, Section 42-37(b)(3), and Section 42-38(c)(5), actually allows housing providers to discriminate against individuals with Housing Choice Vouchers. No other civil rights ordinance in the nation which includes protection against "lawful source of income" discrimination includes such exclusionary language. The Commission has found that this refusal to rent to voucher holders is often a pretext for other types of unlawful discrimination, such as discrimination based on race, parental status, and disability. Discrimination against voucher holders also negatively affects the efforts by the County and others to de-concentrate poverty and promote integration.

The ground breaking Ordinance adopted by this esteemed Board in 1993 was intended to foster and to promote civil rights throughout all of Cook County, and to ensure that comprehensive civil rights protections did not

stop at the City of Chicago's borders. The protections afforded by this Ordinance are no less necessary now, than they were in 1993. In fact, because of the current economic climate, the protections afforded by the Ordinance are arguably even more important today than they were twenty years ago, and nowhere more significantly than in access to housing, a basic human right.

The Commission encourages your support of this amendment. In so doing, you support the mandate with which you first charged the Cook County Commission on Human Rights in 1993, which was to combat prejudice, intolerance, bigotry, and discrimination, and to promote equal treatment and opportunity on a county-wide basis, regardless of an individual's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, gender identity, housing status, or source of income.

Yours truly,

Sheila H. Schultz, Chairperson
Cook County Commission on Human Rights

cc: Herman Brewer, Bureau Chief
Bureau of Economic Community Development

MaryNic U. Foster, Executive Director
Department of Human Rights, Ethics and Women's Issues

The Housing Authority of the County of Cook (HACC) is the second largest provider of affordable housing in the state. We operate the Housing Choice Voucher (HCV) Program serving over 13,000 families, including families who move into Cook County from other jurisdictions. While the primary purpose of the HCV Program is to provide rental assistance to very-low income families, participants are encouraged to use their voucher as a means to improve their quality of life. Participants need access to housing in areas where there are greater opportunities – better schools, more employment opportunities, accessibility to transit, low crime, and both racially and economically diverse.

Often time participants are not given this opportunity simply because they participate in the HCV Program; people perceive the program as bad, attaching a negative stereotype to it and the people who participate in it. It is this perception rather than actual knowledge that causes concern for some. Source of income (SOI) protection is essential to provide all people, regardless of their income level, the opportunity to live a quality of life where they choose. HCV participants should not be denied this opportunity simply because they receive rental assistance through the HCV Program.

Owners have cited HCV programmatic concerns as a means to justify not supporting the SOI protection legislation. These programmatic concerns are really misconceptions about the HCV Program, and perhaps the HACC itself. As with the negative stereotype associated with the HCV Program, there also is a negative stereotype associated with government organizations. By virtue of the fact that we are a government organization, people will think that we don't or can't operate efficiently. This is simply not true. As with any organization looking to improve its customer service, we evaluated our processes and restructured the HCV department. We have made changes that streamlined processes and enable us to work more efficiently. The advances in technology have also gone a long way to help expedite processes. There are no needless delays in operating the HCV Program nor is it administratively burdensome for owners.

The two biggest improvements made in the HCV Program relate to the leasing process. We now have a team dedicated solely to the leasing process and have outsourced our inspection services. The leasing team works with the family and owner through the entire leasing process. This is their only function, so they are able to focus on the process to ensure it's as expeditious as possible. It is true that there is paperwork involved in the process, but, for owners, it is minimal. Owners complete the *Request for Tenancy Approval* (RFTA), the *Payment and Ownership Declaration* form, and a *W-9* form and submit them with a document to prove ownership, such as the deed, along with a copy of the social security card or IRS EIN letter. The majority of the paperwork is the responsibility of the participants and is completed well before the leasing process begins.

The Housing Quality Standards (HQS) inspection process has also improved substantially. On December 5, 2011, we outsourced our inspection services to McCright & Associates. Their use of technology has

improved this process tremendously. They use tablets to record inspection results, which allows for an immediate download of the results, making them available to owners the same day. They have a customer support call center which schedules inspections, notifies owners of inspection dates, and follows up with any related calls. Initial inspections are now **completed** within three business days of making the request, not four – six weeks as owners fear. The goal, for us and the owner, is to get the unit ready for occupancy as quickly as possible. We have families who want to move and the owners want to begin collecting rent.

The inspection is the driving factor in leasing the unit. Once the unit passes inspection, the rent is negotiated, the Housing Assistance Payment (HAP) contract is executed between the owner and the HACC, and the rental payments begin promptly. Once the payments begin, the owner is assured of timely payment of our portion, which in many cases is a substantial portion of the rent. Not all market renters make timely rent payments which can make the collection process burdensome for the owners. Many owners who participate in the program cite the steady flow of income from timely payments by the HACC as a reason that they do participate; they look at the payments as a guaranteed source of income.

The last major issue to address is the amount of rent to the owner. It is true that the rent to the owner is based, in part, on the HUD approved fair market rent (FMR), which is the basis for the HACC's payment standards. However, the rent to the owner is also based on comparable rents of unassisted units, tenant paid utilities, and the family's income. The payment standards are simply the starting point for the rent offer.

We are committed to providing our participants the opportunity to reside in areas that can improve their quality of life, help them become self-sufficient, and become free of the need for any government assistance. Realizing that the rent in the opportunity areas is higher than in traditional areas, our payment standards in the opportunity areas are set at 120% of the HUD FMR, also referred to as exception payment standards. While participants are required to pay 30% of their adjusted income for their rent portion, they may pay up to 40%, based on the family's income. This, in conjunction with exception payment standards, increases the housing choices for participants and our ability to pay a higher rent if necessary.

In a recent market comparison, our exception payment standards were in line with rents charged by owners in the opportunity areas. There may be areas, though, where based on market demand, the rents are higher than the exception payment standards can support. Affordability for units in these areas is not possible for many renters, HCV participants or not. Owners are not forced to drop their rent to lease to a participant. They should not, though, inflate their rent to avoid renting to HCV participants. All renters, HCV participants or not, should pay a fair, comparable rent for the same units.

Owners still have the ability to screen all applicants for suitability for tenancy, applying their screening criteria – criminal background checks, credit checks, home visits, landlord references, etc. - equitably amongst all applicants. If an applicant doesn't meet the owner's selection criteria, owners may still deny them housing. Owners also still have the ability to enforce their lease agreements. HCV participants do

not receive special treatment and are not immune to the eviction process. It is not any more difficult to take action against an HCV participant than it is to take action against anyone else. Owners should outline their expectations with all tenants when they are reviewing the lease agreement and any applicable addendums and then enforce all provisions accordingly.

SOI protection will not require owners to accept HCV participants simply because they are on the program, but it will require owners not to refuse to rent to them simply because they are. Any owner will tell you that not all market renters are good tenants; they don't all pay their rent on time or take care of the owner's unit. Owners who do participate in the HCV Program will also tell you that some of their best tenants are HCV participants. A person's source of income does not guarantee what type of tenant they will be. The SOI protection will give many the opportunity to prove they are good tenants once more housing options are opened to them. The SOI protection will enable families to help break the cycle of poverty and become self-sufficient. The subsidy they no longer need can become available for any of the other families in need.

The lengthy process and administrative burdens are misconceptions about the HCV Program and should not be a deterrent for owners not to participate in the Program or used as an excuse not to pass the SOI protection legislation. Owners need to be educated about the program to fully understand how it works and the goals the program sets to achieve. We currently have measures in place to ensure this education is available. Every other month we perform outreach in various communities to attract new owner participation and provide information about the program. We speak at various landlord association meetings to educate landlords about the program and answer any questions that arise. We host monthly training sessions for landlords to educate them on the "nuts and bolts" of the HCV Program. We can put together a more comprehensive training/educational program to dispel any other misconceptions. We would be happy to speak to any owner or landlord group/association and educate them on the program. Owners with a full understanding will support the SOI protection legislation.