

Tenant Rights under the Just Housing Amendment of Cook County: Housing Justice for People with Prior Justice Involvement

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What's the law?

The law is the [Just Housing Amendment \(JHA\) of Cook County](#). Passed in 2019, the JHA amends the Cook County Human Rights Ordinance, which generally protects against discrimination in housing, employment, and other areas of life.

What is the reasoning behind the law?

The law ensures that over one million residents with arrest and conviction records and their families have a fair chance to find a good place to call home in Cook County.

What are housing providers no longer allowed to do in Cook County?

Housing providers (e.g. landlords, property managers, public housing authorities) cannot exclude people with records in ads for available units, offers to show a listing, or invitations to apply for a lease. They cannot say "Must have no felonies!" in rental postings, nor can they have a checkbox on the application asking if the applicant has a record. They cannot *automatically* deny a new lease, or lease renewal, based on an applicant's arrest or conviction record. They cannot treat tenants with those records differently in the content of the lease (e.g. higher rent, fewer privileges, more rules, etc.).

Can housing providers deny a new lease or a lease renewal based on a record?

In some cases, yes, but they must follow a three-step process. **STEP 1:** Determine if the applicant qualifies for the unit such as checking the credit score, rental history, etc. **STEP 2:** Then, and only then, providers can ask about *past convictions from the previous 3 years*. If the qualifying applicant has a recent conviction, providers can do an individualized assessment to decide if the conviction and its surrounding circumstances make the person a safety risk to others in the building. **STEP 3:** If the provider decides the applicant would pose a risk, they can reject the application, but they must give the applicant a copy of the record used in a background check and written reasons for the decision to reject.

What goes into the individualized assessment?

An individualized assessment gives you an opportunity to discuss your arrest or conviction record and provide additional information to the housing provider. The housing provider must consider (1) the nature, severity, and recency of the conduct, (2) the nature of the sentencing, (3) the number of convictions, (4) time since the most recent conviction, (5) age at the time of the most recent conviction, (6) evidence of rehabilitation from the applicant, (7) the applicant's tenant history, (8) whether the conviction was related to the applicant's disability (if any), and whether a reasonable accommodation could be provided, and (9) any other relevant factors.

Must housing providers consider evidence of rehabilitation?

Yes, but they are allowed to verify the evidence. Examples: completion of a returning citizens' program, job readiness training, supportive services for transitions back to society, completion of an education program, report from a prison or other such facility, employment, and personal recommendations.

What records cannot be considered by landlords?

Arrests, charges, or citations; participation in a diversion or deferral program; sealed, expunged, or pardoned records; juvenile records and conviction records older than three years old. Landlords can consider conviction records from the last three years, but only after giving you an opportunity to discuss your record and share more information.

Are there exceptions?

Yes. If the applicant or a household member is currently required to register for a past sex offense or is currently under a residency restriction for a past child sex offense, the provider may deny the application without doing an individualized assessment. But still, providers cannot unilaterally say "no sex offenders" in their ads for a unit.

When can a landlord still deny your application?

(1) When your application does not meet the typical qualifications, like income requirements, credit score, or prior landlord references; (2) when the denial is based on a current sex offender registration or child sex offender residency restriction; or (3) when your conviction is from the last three years and the landlord gives you a chance to discuss it but still decides you are a risk to people or property.

What can the applicant for new or continued housing do if they get rejected?

5-5-3. Within 5 business days of receiving a background check, the landlord must deliver a copy to the applicant. A copy can be delivered in person, by certified mail, or by text or email. Once the applicant receives the results of the background check, the applicant has 5 business days to provide evidence that disputes the accuracy or relevance of information related to the background check. The landlord then has 3 business days from receipt of the dispute information to accept or deny the application.

What if the applicant thinks the housing provider violated the JHA?

Cook County has a [process for investigating possible violations](#) through its Commission on Human Rights. If you believe a housing provider has discriminated against you, you have 180 days from the time the incident took place to file a complaint with the Commission:

<https://www.cookcountyil.gov/agency/commission-human-rights-0>

312-603-1100 (voice)

312-603-1101 (TDD)

What can you do to help enforce the Cook County Just Housing Amendment?

Awareness of this law is severely lacking, so *spread the knowledge!* Also, check your lease and the advertisements your housing provider uses to see if they are in compliance. If not, talk to them about it. Be an agent of change. Email charlie@uplcchicago.org if you need any help.