



Putting the "Choice" in Housing Choice Vouchers

Alberta L. Johnson, Fair Housing Testing and Outreach Coordinator, Chicago Lawyers' Committee for Civil Rights Under Law

On September 13, 2004, CAFHA presented the third in a series of reports of the continuing segregation and problems with public housing and the Housing Choice Voucher program in the Chicago metropolitan region. Panelists John Lukehart (Leadership Council for Metropolitan Open Communities), Charles Petrof (Chicago Lawyers' Committee for Civil Rights Under Law), Gail Schechter (Interfaith Housing Center of the Northern Suburbs) and Christine Klepper (Housing Choice Partners) were joined by three HCP participants, Kozette Foster, Sandra Butler and Robin Curry.

Using census tract data obtained from the Department of Housing and Urban Development, Janet Smith, Assistant Professor of Urban Planning and Policy at UIC mapped and analyzed the distribution of voucher holders by census tract and the relationship between voucher distribution and the racial demographics in the six-county Chicago metropolitan area. The data revealed that, despite affordable unit availability in "opportunity areas", approximately 64% of all HCV participants live in areas that have poverty rates over 10%. According to Cook County, those areas with a population of more than 13% African Americans and a poverty rate of more than 10% are not considered opportunity areas. The study found that African Americans are heavily concentrated in the South and West sides of Chicago and the Cook County suburbs. Latinos primarily reside in areas that are over 30% Latino in the Chicago area.

It was concluded that race rather than economics accounts for the patterns of segregation found in the HCV program. The maps indicate that it is not the housing market nor the choice that the HCV participant makes but the discrimination toward the HCV participant that prevents the participants from moving to areas that are considered "opportunity areas."

The report recommended the following modifications to program administration.

- Recognize portability and establish cooperation amongst housing authorities to ensure that HCV participants are able to move into opportunity areas.
- Strengthen efforts to encourage landlords to participate in the program
- Lengthen search periods to provide families with sufficient time to find housing
- Provide bicultural and bi-lingual staff to serve the population of participants, and
- Provide mobility counseling to realize a greater number of moves to opportunity areas.

The panelists concluded that fair housing needs to be incorporated into the housing program so that families are actually given the equal opportunity to move to an area of their choice.

For more information about *Putting the Choice in Housing Choice Voucher*, visit www.cafha.org

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HOUSING CHOICE VOUCHER PARTICIPANTS TESTIFY AT PRESENTATION

Alberta L. Johnson, Fair Housing Testing and Outreach Coordinator, Chicago Lawyers' Committee for Civil Rights Under Law

Three Housing Choice Voucher recipients testified at the September 13, 2004 panel presentation, *Putting the "Choice" in Housing Choice Vouchers*.

Ms. Kozette Foster and her four children previously lived on the South side of Chicago at 61st and Vernon. She paid \$700 for a 2-bedroom apartment and was often confronted with arguing and fighting amongst her neighbors. Her children were not doing well in school. Ms. Foster attempted to move to Bartlett but was unable to rent there.

Almost 3 years ago, with assistance from Housing Choice Partners (HCP), Ms Foster and her family moved to Streamwood, Illinois. She described her experience as life changing for her and her children. They live in close proximity to shopping and good schools. Her children are on the honor roll. Ms. Foster says that she plans to stay in Streamwood.

Ms. Robin Curry described her family as "poor but always able to make it". Ms. Curry got into the mobility program with HCP after facing very rough times. She felt that the program would give her family the advantage of living in an area that had multiple opportunities: she could become more self-sufficient and her children would benefit through a better education. As a participant, Robin feels that you have to be willing to make a change but the opportunity has to be presented for you to do so. HCP gave her and her family the chance she was looking for.

Ms. Sandra Butler lives in Lincolnwood, IL and has always been a Northsider. She and her family were homeless for about 5 years and heard about HCP through a co-worker at her telemarketing job. Sandra was skeptical of the program and always thought of Section 8 (Housing Choice Voucher) as welfare. Her co-worker explained that she may have a better experience finding housing through the suburban HCP program rather than the City of Chicago Housing Choice Voucher program because of the negative connotations landlords have about the City program. Sandra wanted to continue to live on the North side. It took three months for Sandra to find a house in Lincolnwood, IL and she credits HCP's mobility efforts for helping her to do so. Sandra described the program as very well organized and helpful with explaining the program to landlords and encouraging them to participate.

SETTLEMENT ENDS BUILDING POLICY DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES

Gary Arnold, Access Living

The United States District Court for the Northern District of Illinois entered on September 8, 2004 a consent decree resolving a discrimination case brought by a disabled nine-year old boy, his parents and the United States against the Triumvera Tower Condominium Association of Glenview, Illinois. The decree mandates the elimination of a policy that discriminated against wheelchair users, awarded \$83,000 in damages, penalties and attorney's fees, and required the Association President retire permanently from the Board of Directors.

Claudio and Luz Trujillo and their son Jaime, who has severe physical and developmental disabilities, sued the Association and its President after the Association vigorously enforced a policy forbidding wheelchairs (as well as strollers and furniture) from entering the building through the front entrance, requiring use of the service entrance. The federal Fair Housing Act prohibits housing providers, including condominium associations, from discriminating "against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap." The Association's actions were analogous to requiring African-Americans to sit at the back of buses or use separate drinking fountains. In this case, the Association's President sent a letter asking the Trujillo family to use the service entrance and, when they continued to use the front door, threatened to have the front door blocked by maintenance personnel and to fine the Trujillo family \$50 each time their son tried to use the front entrance.

"This settlement will serve as a tool for all people with disabilities to enforce their civil rights in housing. We hope that it also triggers a new commitment on the part of condominium and homeowners associations, as well as property managers, to comply with fair housing laws." said Karen Tamley, Director of Programs for Access Living, whose staff lawyers filed the case for the Trujillos.

Governed and staffed by a majority of people with disabilities, Access Living is Chicago's center for independent living and works toward the full equality, inclusion and empowerment of all people with disabilities. For more information, contact Gary Arnold, Access Living, at 312.253.7000 ext 199 or 312.253.7002 (tty)

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South Suburban Housing Center

Village of Streamwood

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SULLIVAN-LACKEY APPELLATE COURT DECISION**Cecilia Abundis, Lawyers' Committee for Better Housing Staff Attorney,**
2004-2006 Equal Justice Fellow

On August 20, 2004, the Illinois Appellate Court upheld the Chicago Commission's interpretation of 'source of income' in the Chicago Fair Housing Ordinance as including Section 8 vouchers. (Godinez & Godinez v. Sullivan-Lackey & Chicago Commission on Human Relations, No. 1-02-2101 (2004))

Background

Sullivan-Lackey was a Section 8 Voucher holder, who was seeking to rent an apartment from Godinez. Upon learning that Sullivan-Lackey was a Section 8 voucher holder, Godinez stated that he did not accept Section 8 payments because "he did not want to be audited" and told her that she could have the apartment if she paid \$600 in cash each month. Shortly thereafter two fair housing testers inquired about Godinez's vacant apartment, both asking about Section 8 vouchers and both testers were told that they (Godinez & Godinez) did not accept Section 8 vouchers.

Procedural History

Subsequently, Sullivan-Lackey filed a complaint with the Chicago Commission on Human Relations against Godinez alleging source of income discrimination in violation of the Fair Housing Ordinance. In its findings, the Commission concluded that Godinez & Godinez had violated the Fair Housing Ordinance by discriminating against Sullivan-Lackey and awarded her \$5,610 in damages and levied a \$250 fine against the City of Chicago.

In response to the Commission's decision, Godinez & Godinez filed a *writ of cert.* The Circuit Court reversed the Commission's ruling on two grounds. First, the Circuit Court held that the Chicago Ordinance did not contain a specific requirement that landlords seek Section 8 certification. Second, the Circuit Court relied heavily on Knapp to hold that 'source of income' does not include Section 8 benefits within the meaning of the Chicago Fair Housing Ordinance. (Knapp v. Eagle Property Management Corp., 54 F.3d 1272 (7th Cir. 1995))

Illinois Appellate Courts Decision

Sullivan-Lackey appealed the Circuit Courts decision to the Illinois Appellate Court, which reversed on two grounds and reinstated the Commission's order. First, the Appellate Court held that the Circuit erred in reversing the Commission's determination that Section 8 vouchers are considered a 'source of income' under the Chicago Fair Housing Ordinance. The Appellate Court accepted the Commission's contention that "'source of income' is ambiguous and its interpretation is consistent with the plain language of the Fair Housing Ordinance." Moreover, the Appellate Court reasoned that 'source of income' in the Fair Housing Ordinance only refers to the lawful "manner," not "means," of economic support. Furthermore, the Appellate Court noted that Godinez and Godinez did not establish that they would be financially burdened by accepting Sullivan-Lackey as a Section 8 tenant.

Second, the Appellate Court rejected Godinez's Knapp argument and held that the Circuit Court erroneously relied on Knapp to conclude that Section 8 vouchers did not fall under the 'lawful source of income.' The Appellate Court distinguished the Wisconsin statute at issue in Knapp from the Chicago Fair Housing Ordinance, noting that the Wisconsin statute was not as broad in its definition as the Fair Housing Ordinance. Moreover, the Court noted that the Wisconsin statute defined 'lawful source of income,' by limiting 'source of income' to what the statute had stipulated. However, the broadness of the Fair Housing Ordinance definition of 'source of income,' permits any 'lawful' manner of support.

Announcements

OCTOBER 7, 2004

DIVERSITY, INC. ANNUAL DINNER & AWARD PROGRAM

Diversity, Inc. will host its Ninth Annual Dinner and Award program the Villa de Bruno in Lynwood, featuring a presentation by Geoffrey Baer, Producer and Host of WTTW's SOUTH OF CHICAGO, *Steel Mills, Suburbs and Shoreline*

Diversity Award Nominations are open to any person or group that has contributed to the diversity and vitality on the Chicago Southland. Nomination forms are available upon request from Diversity, Inc. If you would like a nomination form, call (708) 206-1204.

NOVEMBER 20, 2004

DIIVERSITY INC,'S CONGRESS OF COMMUNITY RELATIONS FORUM PLANNING

Fair Housing—"Living Its Spirit" The Chicago Southland is the theme of this event to be held Saturday November 20, 2004. The Congress is intended for community relations volunteers, municipal staff, elected officials and others to become more familiar with the benefits and challenges of fair housing and racial and ethnic diversity, and to craft actions which each community or group can commit to undertaking to address the issues raised. For more information or to arrange to attend call Diversity, Inc. at (708) 206-1204.

OCTOBER 21-23, 2004

"BUILDING BLOCKS FOR INCLUSIVE COMMUNITIES," a national conference in support of racially and ethnically diverse communities, will be held in Cherry Hill, New Jersey (just outside Camden). There will be tracks on best community practices, schools, regional equity, policies, and "new thinking". For more information, contact John Lukehart at the Leadership Council for Metropolitan Open Communities, 312.341.5678.

FAIR HOUSING TESTING COORDINATOR POSITION

Access Living of Metropolitan Chicago, a center for advocacy, services and social change for people with all types of disabilities, is seeking a full-time professional to coordinate fair housing testing as part of our Civil Rights Team. Successful candidates should have a Bachelors Degree and a commitment to fair housing for persons with disabilities. Knowledge of fair housing laws and/or testing procedures is a plus. For more information contact:

Access Living
614 West Roosevelt Road
Chicago, IL 60607
312-253-7001 fax
personnel@accessliving.org

CHICAGO AREA FAIR HOUSING ALLIANCE

**P.O. BOX 1892
CHICAGO, IL 60690**

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