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HOPE Fair Housing Center Sues Eden Supportive Living Facilities and State of Illinois Over Unfair Disability Policies and Practices

Kimberly O'Connor & HOPE Fair Housing Center v. Eden Supportive Living Facilities, et. al.
Case Number: 13 - cv - 07391, Northern District of Illinois

Chicago, IL – Today HOPE Fair Housing Center (HOPE) announced a lawsuit against Eden Supportive Living Facilities (Eden) and the State of Illinois for unfair policies and practices against persons with mental health diagnoses.

“Millions of Americans have one or more diagnoses of mental illness, an estimated 26 percent of Americans ages 18 and older — about one in four adults — suffer from a diagnosable mental disorder in a given year” said **Anne Houghtaling, Executive Director, HOPE Fair Housing Center in West Chicago, IL.** “Eden improperly screens out potential residents based on the label of a diagnosis alone. This unfairly denies a basic right – housing – to many who would be great tenants.” (www.hopefair.org)

“That HOPE works to safeguard the right to appropriate supportive housing to all people with disabilities, as in this case, is tremendously important. This is a case that will clarify and effectuate fair housing principles in a way that will prove to be beneficial to everyone involved, especially those in need of housing where help is provided for things such as meals, housekeeping

and medication reminders,” said **Jennifer Soule, of Soule, Bradtke & Lambert, lead counsel for the plaintiffs.**

“People of all ages overwhelmingly want to receive the care they need in their communities. Excluding people based on a label is not only illegal but an attitude that hasn’t been acceptable in decades,” said **Susan Silverstein, Senior Attorney, AARP Foundation Litigation.**

HOPE began an investigation into the practices of Eden after receiving complaints from individuals who were turned down because of a “no mental illness” policy. One such individual is Kimberly O’Connor, who was categorically denied housing by Eden, and who is a plaintiff in the case along with HOPE. As a result of HOPE’s investigation, the lawsuit alleges that Eden has violated a number of civil rights provisions that harm anyone with a mental health diagnosis, including the following:

- **The Eden Defendants have a “no mental illness” policy, which is readily communicated to applicants for housing.**
- **The Eden “no mental illness” policy is uniformly carried out by Eden representatives, who flatly reject any tenants from consideration who reveal informally or formally that they have a mental health history, regardless of their circumstances and without proper screening or assessment.**
- **The State of Illinois Defendants are joined because in their absence, the Court cannot accord the complete injunctive relief sought by the Plaintiffs under Title II of the ADA and under the Rehabilitation Act. Appropriate relief must include a requirement that the State revise and issue appropriate guidance, rules, and procedures applicable to Supportive Living Facilities that will ensure non-discrimination.**
- **The State of Illinois’ regulations concerning potential exclusion of persons from Supportive Living Facilities based on a subjective and undefined standard as currently written fails to guard against exclusion based on disability status and diagnosis alone, as well as on stereotypes of persons with mental health diagnoses, and the Illinois SLF process does not most effectively prohibit bad actors like Eden from having blanket “no mental illness” policies or treating persons under the Medicaid program with mental health diagnoses from being treated differently than non-disabled or non-mentally disabled persons, based on their status alone.**

HOPE and the individual plaintiff are represented by Jennifer Soule of Soule, Bradtke & Lambert and Susan Silverstein of the AARP Foundation Litigation.

The Fair Housing Act makes it illegal to discriminate based on race, color, national origin, religion, sex, disability or familial status, as well as the race or national origin of residents of a neighborhood. This law applies to housing and housing-related activities.

HOPE Fair Housing Center (www.hopefair.org)

Established in 1968, HOPE is the oldest fair housing center in Illinois. HOPE Fair Housing Center seeks to create equal housing opportunities regardless of race, color, religion, national origin, sex, disability, familial status, or any other characteristics protected under state or local laws. Located in West Chicago, HOPE serves 30 counties in northern and north central Illinois.

AARP Foundation Litigation (AFL) is an advocate in courts nationwide for the rights of people 50 and older, addressing diverse legal issues that affect their daily lives and assuring that they have a voice in the judicial system.

Soule, Bradtke & Lambert, a law firm specializing in federal litigation and systemic discrimination cases.

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