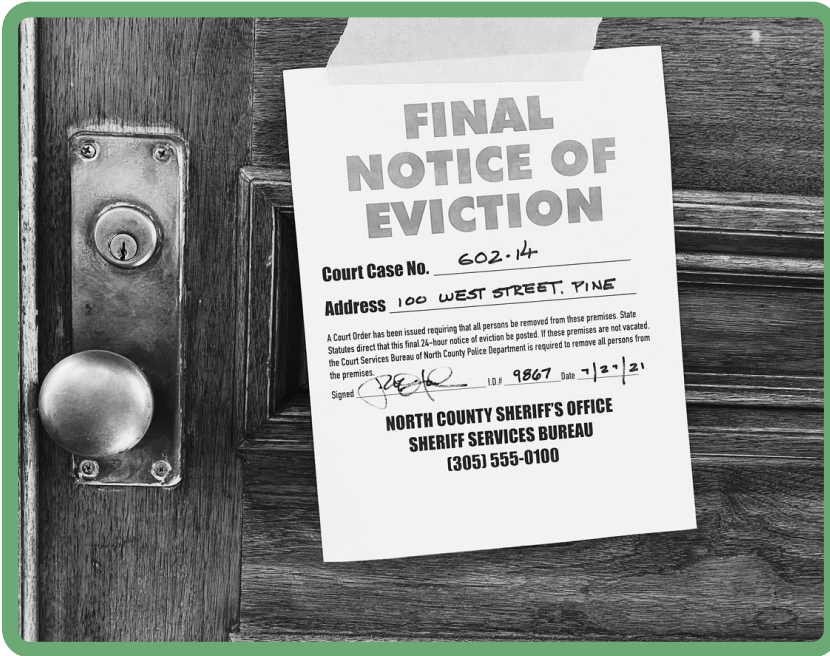


Eviction Records:

A FAIR HOUSING GUIDE



WHAT TO KNOW WHILE APPLYING FOR HOUSING WITH AN EVICTION RECORD

An eviction on your record can mean a lot of different things. Maybe your rental payment did not go through, you paid off the balance once you realized the error, and your eviction was dismissed without going to court. Or maybe your housing provider filed an eviction against you because they found out you were expecting a child. Your eviction case was later thrown out for being discriminatory and you stayed in the unit. No matter the outcome, **once a housing provider files an eviction, it will show up on a person's record.**

Data shows that certain groups are more likely to have evictions filed against them, such as survivors of domestic violence, Black women, and people with disabilities. For this reason, **blanket "no evictions" policies risk violating fair housing laws**, as they harm members of some groups protected by the Federal Fair Housing Act more than others.

WHO IS PROTECTED?

Everyone in the United States is protected from discrimination in housing based on their:

- Race
- Color
- Religion
- Sex*
- National origin
- Disability
- Familial Status**

Illinois offers additional protections for:

- Ancestry
- Pregnancy
- Sexual Orientation
- Gender Identity
- Order of Protection Status
- Age (40+)
- Military Status
- Arrest Record
- Source of Income
- Immigration Status***

Cook County also offers additional protections:

- Housing Status
- Caste
- Ethnicity
- Bodily Autonomy
- Covered criminal history****

*includes sexual harassment

**includes pregnancy status

***beginning 1/1/2024

****As per the Just Housing Amendment [cookcountyil.gov/content/just-housing-amendment-human-rights-ordinance](https://www.cookcountyil.gov/content/just-housing-amendment-human-rights-ordinance)

DISCRIMINATORY EFFECT

Discriminatory effect is when a seemingly neutral policy has a disproportionate impact on a protected group. Discriminatory effect focuses on the *consequences* of the policy, not the intent.

For instance, a blanket policy that rejects applicants with convictions may seem neutral, since it is applied to everyone. However, this policy may have a **discriminatory effect** on Black or Latinx people because these groups are disproportionately represented in arrests and convictions. Instead of having blanket “no conviction” policies, the Department of Housing and Urban Development (HUD) has directed housing providers to take an individualized approach when evaluating an applicant’s record.



Self-Advocacy Letters:
hopefair.org/toolkits

When considering your eviction record, housing providers should:

- **Take an individualized approach.** When did the eviction occur? Was it dismissed, or filed unlawfully? Has there been a change in circumstance for the applicant? An eviction record may not be an appropriate measure of tenant suitability.
- **Not consider evictions that occurred more than 7 years ago.** Under the Fair Credit Reporting Act (FCRA), credit reporting agencies should not report evictions that are over seven years old.
- **Consider your protections.** If you are a survivor of domestic violence living in federally assisted housing, it is illegal for you to be denied tenancy or occupancy rights because of activity related to Violence Against Women Act (VAWA) violence or abuse. Additionally, if you are a person with a qualifying disability, an eviction based on your protected class (such as because you acquired an Assistance Animal after developing a disability) may be illegal discrimination.

If you have been denied housing due to your eviction record and are still interested in housing, you can **send a letter of self-advocacy** or reach out to your local fair housing organization:

hud.gov/program_offices/fair_housing_equal_opp/contact_fhip

FILING A COMPLAINT

Eviction status is not explicitly protected under fair housing laws. However, depending on your circumstances you may choose to file a housing discrimination complaint. You can file **within one year from the last act of discrimination** with:

The Illinois Department of Human Rights (IDHR)
<https://dhr.illinois.gov/filing-a-charge/housing.html>
or (312) 814-6200 / (866) 740-3953 (TTY).

US Department of Housing and Urban Development (HUD)
<https://www.hud.gov/fairhousing/fileacomplaint>
or (312) 913-8453 / (312) 353-7143 (TTY)

Need support filing a complaint? Contact HOPE at (630) 690-6500.