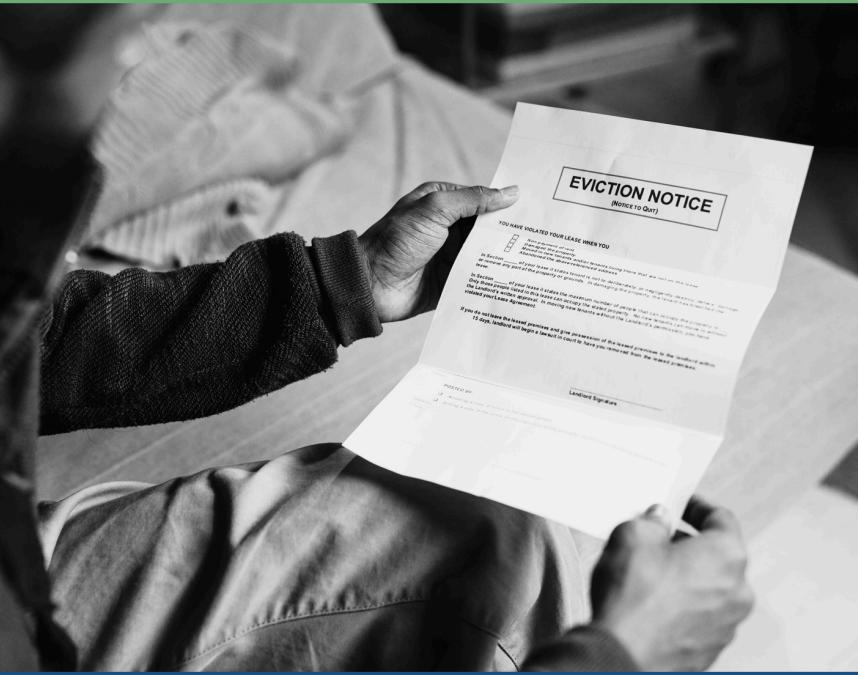


Eviction Records:

A FAIR HOUSING GUIDE



Securing housing with an eviction record is possible.

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 under fair housing laws.

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

The **Illinois Human Rights Act** provides additional protections based on:

- Age (40+)
- Ancestry
- Arrest Record
- Gender Identity
- Immigration Status
- Marital Status
- Military Status
- Order of Protection Status
- Pregnancy Status
- Reproductive Health Decisions
- Sexual Orientation
- Source of Income
- Unfavorable Military Discharge

Cook County also offers additional protections:

- Housing Status
- Caste
- Ethnicity
- Bodily Autonomy
- Covered Criminal History



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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 Latine people because these groups are disproportionately represented in arrests and convictions.

Instead of having blanket “no conviction” policies, housing providers should take an individualized approach when evaluating an applicant’s record.

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.



Self-Advocacy Letters:
hopefair.org/toolkits

FILING A COMPLAINT

Eviction status is not directly protected by fair housing laws. However, some situations may still count as housing discrimination. If you believe you were discriminated against, you can file a lawsuit in court within two years of the last discriminatory action. You can also file a free complaint within one year with an administrative agency, such as

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

Need additional information or support?
Contact your local fair housing organization or HOPE at **630-690-6500**.