

City of Chicago
COMMISSION ON HUMAN RELATIONS

ADJUDICATION DIVISION

2017 Activity
Concerning Discrimination Cases
filed under the
Chicago Human Rights Ordinance
and
Chicago Fair Housing Ordinance



Chicago Commission on Human Relations
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Adjudication of Discrimination Complaints

The Commission's authority to adjudicate discrimination complaints is rooted in the Municipal Code's Commission on Human Relations Enabling Ordinance and the two corresponding anti-discrimination laws, the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance. The enforcement of these Municipal anti-discrimination ordinances, through complaints alleging discrimination, is carried out by the Adjudication Division.

The principal functions of the Division are:

- To receive and investigate complaints alleging violations of the Chicago Human Rights Ordinance and/or the Chicago Fair Housing Ordinance.
- To facilitate settlement of a pending complaint, where the parties are amenable.
- In collaboration with independent hearing officers and the Board of Commissioners, to determine, after investigation and hearing, whether discrimination occurred in violation of the Human Rights Ordinance or the Fair Housing Ordinance and to order remedies and related damages consistent with the outcome these findings.

The orders of the Commission's Adjudication Division and the rulings of the Board of Commissioners in discrimination cases carry the force of law. If the Board of Commissioners rules that discrimination occurred, it has the power to impose fines and order injunctive relief as well as the payment of out-of-pocket damages, emotional distress damages, punitive damages, attorney fees, and costs.

In investigating and adjudicating a discrimination complaint filed by a member of the public, the role of the Commission is neutral. Although Commission staff is available to answer questions about the adjudication process and related documentation, it does not serve as either side's lawyer, advisor, or advocate. It is not a prosecutor of the case. It does not take the side of either the complainant (the person who filed the complaint) or the respondent (the alleged violator).

Adjudication on the Web

See the Commission on Human Relations web site at www.cityofchicago.org/humanrelations for more information about Chicago's discrimination ordinances and their enforcement, including –

- Copies of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance
- Copy of the Commission on Human Relations Enabling Ordinance
- The regulations governing enforcement of these ordinances
- Information on how to research Commission case law
- *A Board Rulings Digest* summarizing decisions about violations and remedies ordered
- *Information for Complainants* (in English and Spanish) to help individuals prepare, file, and prove a complaint.
- *Information for Respondents* (in English and Spanish) to help those accused of discrimination respond to a complaint
- A complaint form and frequently-used forms and templates for complainants and respondents
- Informational fact-sheets on various rights and obligations associated with either of the two anti-

discrimination ordinances.

- Information about other discrimination laws and enforcement agencies

Also, see and “like” the Commission’s Facebook page for updates on our work, recent precedential decisions, relevant articles, and pictures of our staff delivering on our Mission around the City.

What is Discrimination?

Discrimination is conduct directed at an individual based on the perception or belief that, unlike others, a characteristic of that individual justifies subjecting her/him to negative conduct or commentary, also known as adverse treatment.

In general, to prevail in a discrimination case filed under the Municipal anti-discrimination ordinances, a complainant must be able to prove it was more likely than not, a standard known as “preponderance of the evidence,” that:

- The complainant was subjected to *adverse treatment* by individuals, businesses, or government entities (the respondent) required to comply with the respective ordinance.
- This conduct was based on respondent’s perception or belief that complainant possesses a specific characteristic that fits within one or more of the following *categories protected by the anti-discrimination ordinances*:

Race	Sex	Age (over 40)
Color	Sexual Orientation	Disability
National Origin	Gender Identity	Source of Income
Ancestry	Marital Status	Military Status
Religion	Parental Status	Credit History (employment only)
		Criminal History (employment only)

- The conduct was in one of the following *covered areas*:

Housing	Public Accommodations
Employment	Credit or Bonding Transactions

- The adverse action took place *in the City of Chicago*.
- The complaint was filed within *180 days* of the alleged discriminatory action.
- The complainant was treated differently *because of* his or her actual or perceived protected category, and not for other legitimate, non-discriminatory reasons.

Filing a Discrimination Complaint

Intake staff of the Adjudication Division are available from 9 AM to 5 PM, Monday through Friday to answer inquiries about filing a complaint, or to help clarify questions about the adjudication process. Those interested should telephone (312) 744-4111. Intake staff will assist the public with preparation of complaints on a walk-in basis between 9:30 – 3:00 PM. They also provide forms for self-preparation of complaints and filing by mail, facsimile, or electronic mail. There is no filing fee.

Spanish speaking staff, and interpreter services in other languages, are also available on an as-needed basis.

How Cases Proceed

Individuals who believe they have been subjected to discrimination as defined in the Municipal anti-discrimination ordinances may file written complaints with the Commission following a prescribed format. After a complaint is duly filed, the Commission notifies each named respondent and sets a deadline to submit a written response and any documents that support the respondent's position. The complainant also receives a deadline to reply to any response and to submit any documentation that supports the allegations of the complaint.

Although settlement is not an option for everyone, where the parties are amenable to it, the Commission can facilitate settlement discussions regarding a pending complaint. Settlement is voluntary. The Commission does not propose or advocate particular settlement terms, but staff may assist in the drafting of the agreed terms of a settlement for parties to sign.

If the case does not settle or otherwise close at the pleading stage, the investigator completes any additional evidence-gathering that may be needed and compiles the evidence for review by senior staff of the Commission. The investigation of claims usually consists of interviewing witnesses and examining relevant documents or physical evidence. The investigator may seek information about the experiences of other people whose situations are comparable to the complainant's. Investigators may conduct site visits when appropriate to the case. The Commission has subpoena power along with the power to sanction parties that fail to cooperate with the investigation.

Once an investigator has gathered all of the evidence relevant to a particular claim, s/he compiles this material for consideration by a Compliance Committee of Commission senior staff who determines whether or not there is "substantial evidence" of discrimination. A finding of substantial evidence does not mean the complainant has won the case, but only that there is enough evidence of a violation for the case to go forward. If the Compliance Committee finds no substantial evidence of an ordinance violation, it dismisses the case. The complainant may request a review of the dismissal.

If the Commission finds there is substantial evidence of discrimination (or retaliation if applicable), it notifies the parties that the case will proceed to an administrative hearing. The parties have the option of settling the case prior to the hearing.

The administrative hearing is a trial, but somewhat less formal than in a court. A hearing officer is appointed by the Commission from a pre-selected panel of experienced, civil rights attorneys. The hearing officer presides over the hearing and manages the pre-hearing and post-hearing process. Commission staff do not prosecute the case or represent the complainant at this hearing. If the parties want legal representation, they must secure an attorney themselves. Respondents who are incorporated are required to be represented by a licensed attorney during the administrative process.

It is entirely the complainant's responsibility to prove the case and to prove entitlement to injunctive and monetary relief as well as any attorney fees and costs. Pre-hearing discovery and subpoena procedures are available to the parties to aid in obtaining evidence to support their positions.

Based on the hearing officer's recommendation and the hearing record, the Board of Commissioners

makes the final determination as to whether the complainant has proved that the respondent violated the Chicago Human Rights Ordinance or the Chicago Fair Housing Ordinance. If the Board rules that there has been a violation, it also determines what relief will be awarded to the complainant.

Relief may include a fine for each violation, an order to take steps to eliminate discriminatory practices (injunctive relief), an award of damages to be paid to the complainant, and an order to pay the prevailing complainant's attorney fees and related costs. Final orders awarding or denying relief have the force of law, can be appealed to the state court on a *certiorari* petition, and are enforceable by obtaining a state court judgment.

Summary of Filing and Adjudication Activity

The table below summarizes complaint filing and adjudication activity during 2017 in the categories of discrimination complaints accepted under the City's ordinances. The 2017 figures are compared to those for 2016.

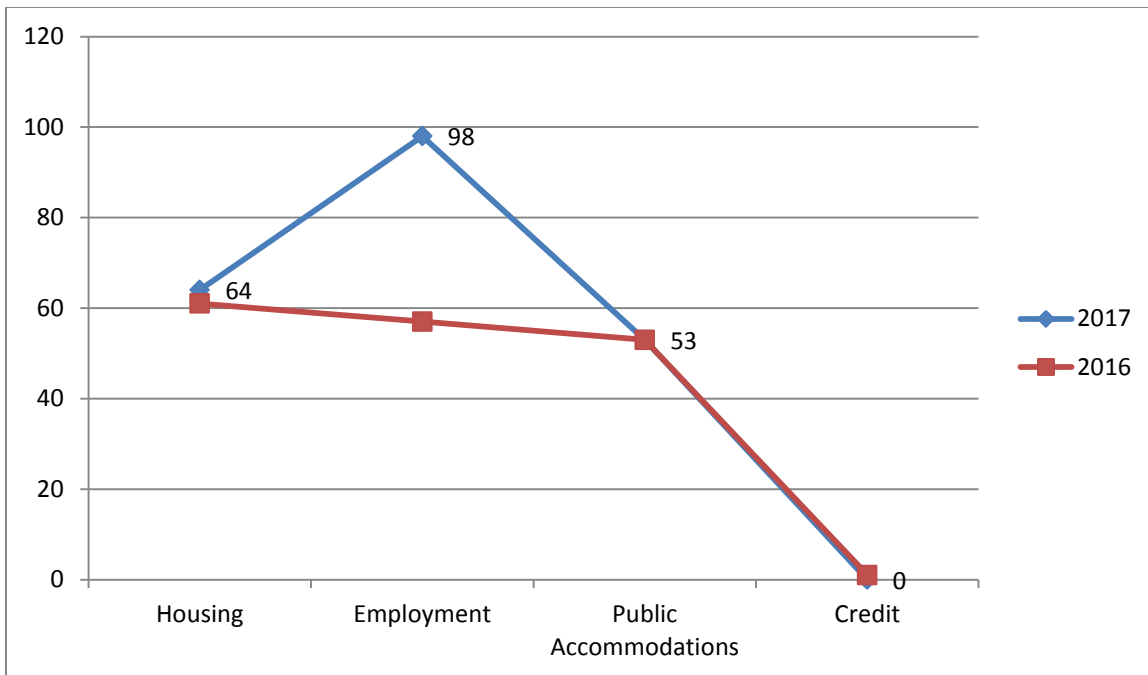
Case Activity Summary	Housing 2017 / 2016	Employment 2017 / 2016	Public Accommodation 2017 / 2016	Credit 2017 / 2016	TOTAL 2017 / 2016
COMPLAINTS FILED	64 / 61	98 / 57	53 / 53	0 / 1	215 / 172
Staff-Assisted	35 / 30	54 / 34	27 / 27	0 / 0	116 / 91
Self-Prepared	29 / 31	44 / 23	26 / 26	0 / 1	99 / 81
CASES FORWARDED TO HEARING STAGE	25/ 22	6/ 6	9/ 11	0 / 0	40 / 39
Substantial Evidence	25/ 22	6/ 6	9/ 11	0 / 0	40 / 39
Default (investigation stage)	0/ 0	0/ 0	0/ 0	0 / 0	0 / 0
CASES CLOSED	67 / 54	83 / 64	42 / 54	1 / 3	193 / 175
Settled	19 / 17	12/ 7	7/ 11	0/ 0	38/ 36
Complainant Withdrew Complaint	9/ 9	11/ 7	11/ 17	0/ 0	31/ 38
Complainant Failed to Cooperate	11/ 7	3/ 6	3/ 1	0/ 0	17/ 14
Lack of Jurisdiction	1/ 3	2/ 2	1/ 2	0/ 0	4/ 4
No Substantial Evidence	24/ 21	54/ 35	18/ 22	1/ 3	97/ 105
Ruling After Hearing	3/ 1	1/ 3	2/ 1	0/ 0	6/ 5
REQUESTS FOR REVIEW after involuntary dismissal	11 / 13	6 / 5	4 / 8	0 / 0	21 / 26
Denied	4/ 9	6/ 1	4/ 6	0 / 0	14 / 16
Granted	6/ 2	0/ 0	0/ 0	0 / 0	6 / 2
Granted in Part, Denied in Part	1/1	0/1	0/0	0 / 0	1/2

Discrimination Claimed in New Complaints

The percentage figures in the table below show the percentage of total *complaints* in each of the four respective areas filed in 2017 which contained a *claim* of discrimination on the basis named. A complaint may claim discrimination on more than one basis (e.g. sex and age) arising out of the facts alleged. Thus the number of claims usually exceeds the number of complaints.

PROTECTED CLASS	Housing	%	Employment	%	Public Accom.	%	Credit	%	Total Claims	%
Race	13	15%	32	21%	18	25%	0		63	20%
Color	2	2%	3	1%	4	5%	0		9	3%
National Origin	3	3%	13	8%	3	4%	0		19	6%
Ancestry	1	1%	2	1%	1	1%	0		4	1%
Religion	1	1%	2	1%	1	1%	0		4	1%
Sex	3	3%	44	29%	6	8%	0		53	17%
Sexual Orientation	9	10%	3	1%	5	7%	0		17	5%
Gender Identity	2	2%	2	1%	4	5%	0		8	2%
Marital Status	1	1%	0	2%	0		0		1	1%
Parental Status	2	2%	8	5%	0		0		10	3%
Age	1	1%	16	10%	4	5%	0		21	6%
Disability	13	15%	20	13%	23	32%	0		56	18%
Source of Income	30	36%	0		2	2%	0		32	10%
Military Status	0		0		0		0		0	
Credit History	N/A		0		N/A		N/A		0	
Criminal History	N/A		1	1%	N/A		N/A		0	
Retaliation	2	2%	6	4%	1	1%	0		9	3%

Number of Complaints Received by Type



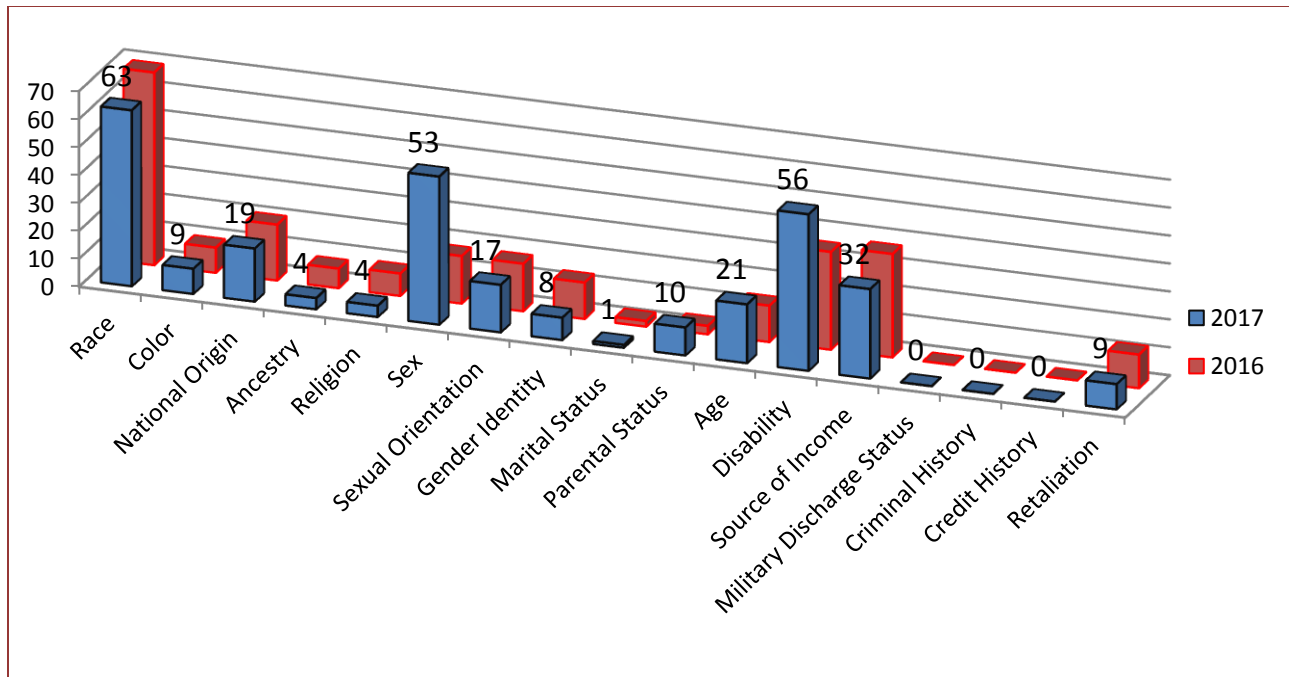
Trends in Discrimination Claims

In 2017, the CCHR saw a more than 20% increase in the number of complaints of discrimination filed, as compared to 2016. As of the date of this report, the CCHR has received a total of 204 complaints of discrimination, as compared to 162 complaints for the same period in 2016. There are a number of factors that may be behind the overall increase in complaints for 2017, including increased targeted outreach on the part of CCHR staff, to advocacy groups, and bar associations. In particular, CCHR staff focused on outreach to attorneys and other advocates who represent victims of discrimination in Chicago. In addition, the increased national dialogue in 2017 around issues of discrimination and harassment may be playing a role in individuals feeling empowered to speak out and raise complaints about perceived discrimination.

The majority of the complaints filed with the CCHR in 2017 were in the area of employment discrimination, with a total of 94, representing just under half of all complaints received this year. This is a more than 40% increase in employment discrimination complaints from the same period in 2016. Housing discrimination complaints are up as well, with 60 complaints filed this year, compared to 53 during the same period last year, a 12% increase. Complaints of discrimination in the area of public accommodations are roughly the same as the number filed last year, with 50 complaints, compared to 51 for the same period in 2016.

In 2017, the number of cases in the hearing stage is up by approximately 15% from the same period in 2016. This is due in part to a greater number of cases being advanced to the hearing stage following a finding of “substantial evidence.” The increase in cases advanced to the hearing stage is attributable to a greater number of meritorious claims being filed with the CCHR, particularly as a result of CCHR’s targeted outreach to advocates.

Total 2017/2016 Discrimination Claims by Protected Category



Trends by Complaint Type

EMPLOYMENT

As noted above, employment discrimination complaints comprised the bulk of the total complaints received at the Commission. This is typical of the complaints received by the Commission. What was unusual, however, was that the most alleged basis for discrimination in employment was sex discrimination. In past years, race has nearly always been the most alleged basis of discrimination. What was also unusual was the increase in employment complaints between 2016 and 2017. In 2016, the CCHR received just 58 employment discrimination complaints, whereas in 2017, that number jumped to 98, a 40% increase.

The increase in employment discrimination complaints may be attributable to a number of factors. . In particular, CCHR staff focused on outreach to attorneys and other advocates who represent victims of discrimination in Chicago. In addition, the increased national dialogue in 2017 around issues of discrimination and harassment, particularly with regard to high-profile cases of sexual harassment and the #MeToo movement, may be playing a role in individuals feeling empowered to speak out and raise complaints about perceived discrimination.

HOUSING

In 2017, the Commission received 64 complaints alleging housing discrimination. This number represents a slight increase of about 5% from 2016, when 61 such complaints were filed. As has been the trend for the past several years, the bulk of the 64 housing complaints – 30 complaints (or 46%) – alleged source of income discrimination, most of which involved Housing Choice Vouchers, also known as Section 8 Vouchers. In 2017, the Commission worked to address the prevalence of

source of income discrimination in housing through targeted outreach to landlords and property managers. These efforts are described in the outreach section below.

Beyond source of income, race and disability discrimination was the next most frequent claim in the housing area, both asserted in 20% of the housing complaints. The next most cited basis of discrimination in housing was sexual orientation, which was asserted in 9 complaints of discrimination, as compared to only 3 complaints in 2016. Other types of discrimination were claimed in 8% or fewer of new housing discrimination complaints.

PUBLIC ACCOMMODATIONS

Out of the 53 public accommodation complaints received in 2017, disability was the most cited basis of discrimination, included in 32% of all complaints received under this category, which is typical of complaints filed in prior years. In addition, in 2017, the CCHR's new disability access regulations became effective on July 1. These regulations brought the CCHR's in line with those already in effect for Title III of the Americans with Disabilities Act. While the CCHR expected to see an increase in public accommodation complaints as a result of the outreach around the disability access regulations, complaints of disability discrimination in public accommodations remained at roughly the same level as those filed in 2016.

CREDIT OR BONDING TRANSACTIONS

Discrimination in credit transactions and bonding has never been the subject of many complaints. For example, the Commission received no such complaints were filed in 2017 or 2016.

Evaluating Complaint Data

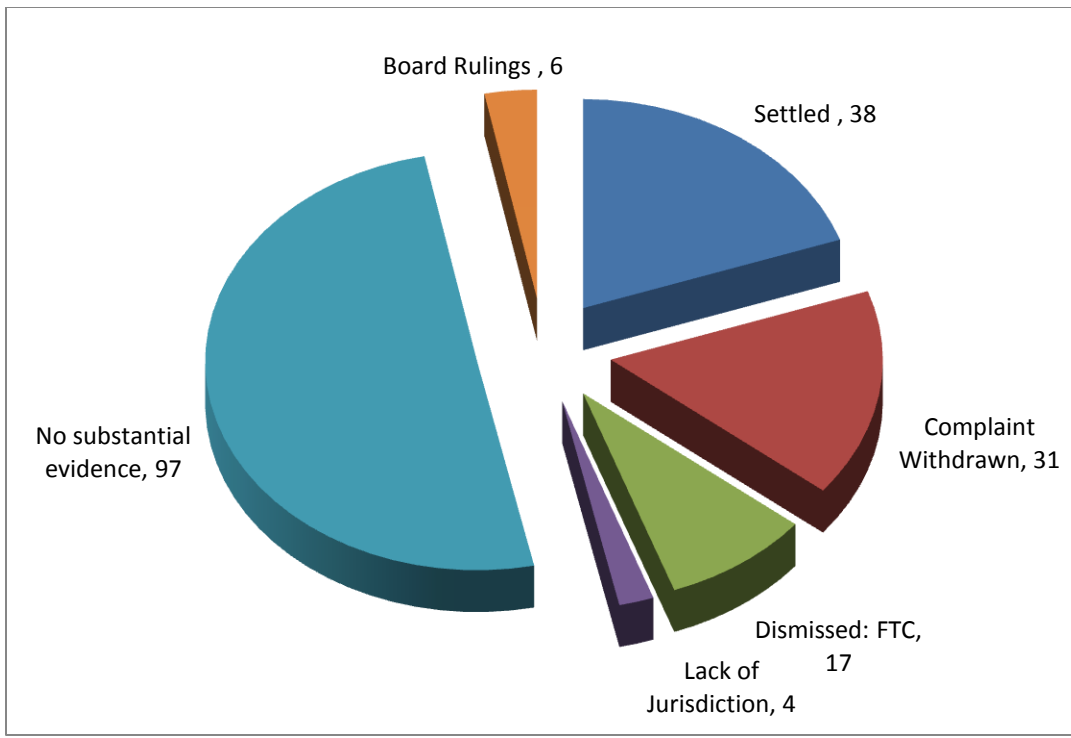
In considering the meaning of the data on discrimination complaints presented in this report, a few points should be kept in mind:

- The value of Chicago's enforcement structure is in making a *fair, neutral complaint and adjudication process readily available to anyone* who believes he or she has been subjected to discrimination in violation of Chicago's ordinances.
 - Every properly-filed complaint which a complainant chooses to pursue will be investigated and ruled upon according to established procedures and legal standards.
 - Businesses and individuals accused of discrimination have the opportunity to present their defenses under the same neutral process.
 - Although the Commission implements City policy which strongly opposes discrimination, it is careful to impose the City's powerful remedies only when justified by the evidence and applicable law.
 - At the same time, the Commission encourages utilization of its complaint filing and

adjudication system so that accusations of discrimination can be resolved fairly according to the law and discriminatory conduct can be remedied and deterred.

- Complaint-filing data does not measure the amount of discrimination that actually occurs in Chicago, for several reasons:
 - There can be many reasons victims of discrimination may not pursue a legal remedy, including lack of knowledge of the laws and remedies, inability to devote time and resources to pursuing a case, and concern about the public nature of the process.
 - At the time a complaint is filed, the Commission has made no decision about whether the facts alleged are true or whether the claims have legal merit. The investigation and adjudication process is the way the Commission reaches such decisions.
 - Many types of discrimination violate federal, state, or county anti-discrimination laws, in addition to Chicago's ordinances. People can choose to file claims under one or more of the available laws, which may vary in their coverage as well as their procedures. Thus the Commission's filing data reflects only a portion of the legal claims alleging that discrimination occurred in Chicago.
- Nevertheless, complaint-filing data can offer insight into what types of discrimination people believe they are experiencing as well as what types of claims people bring to the Commission on Human Relations.
- Chicago's ordinances and enforcement mechanisms offer (1) some unique coverage not available under federal or state laws, and (2) an enforcement system that is Chicago-focused, highly accessible, and linked to other City government initiatives.
- For example, a strength of local anti-discrimination ordinances has been the ability to fill gaps in state and federal laws and to take the lead in addressing additional types of discrimination.
 - Only the Chicago and Cook County ordinances cover all employers and housing providers regardless of size.
 - Federal anti-discrimination laws still do not explicitly cover sexual orientation or gender identity discrimination, an area in which Chicago was a leader when it enacted the present Human Rights and Fair Housing Ordinances and later amended them.
 - Only Chicago imposes anti-discrimination obligations on Chicago employers with fewer than 14 employees with respect to hiring restrictions based on criminal history
 - The Commission is the only place where source of income complaints can be filed when the discrimination takes place in Chicago

Disposition of Cases Closed in 2017



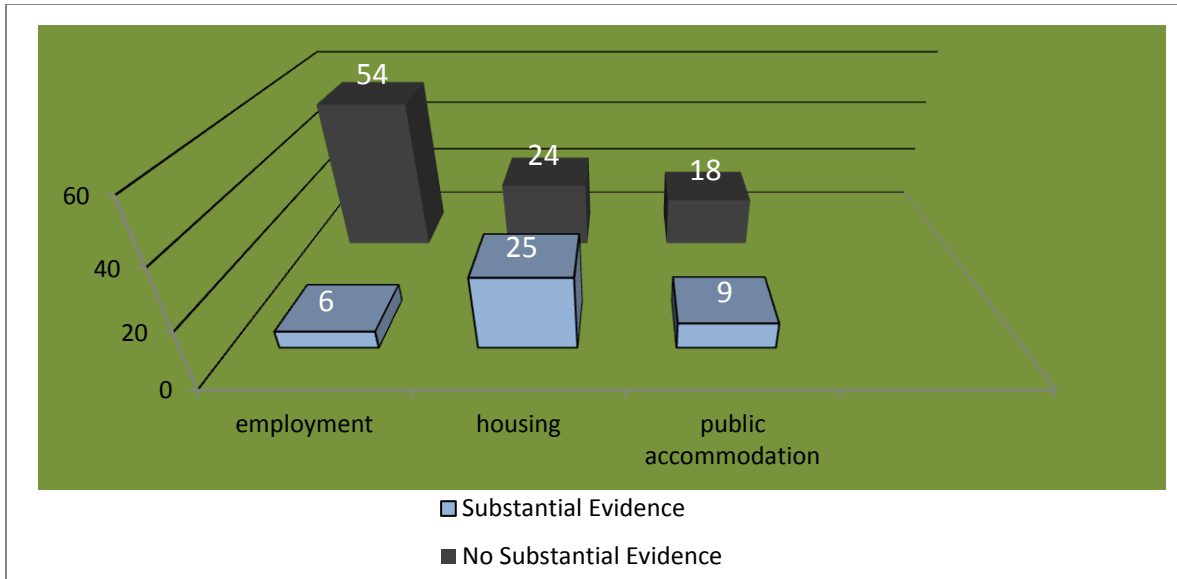
Substantial Evidence Findings

During 2017, 39 complaints advanced to the administrative hearing stage after a finding of substantial evidence that an ordinance violation had occurred. This represents 18% of the 219 dispositions of cases at the investigation stage.

A finding of substantial evidence is a preliminary legal ruling which means there is sufficient evidence, if believed, to support a final ruling that an ordinance violation occurred. A substantial evidence finding allows a case to advance to the administrative hearing process and a Board of Commissioners ruling on liability and relief. To obtain relief, it remains the responsibility of the complainant to prove the case at a public administrative hearing, where any respondent not held in default is allowed to present a defense.

Below is a depiction of 2017 completed investigations by substantial evidence determination and case type:

Findings after Full Investigation



The table below illustrates the flow of complaints from the investigation stage to the hearing stage in recent years. It also illustrates the proportion of pending cases in each stage of adjudication at the end of each year. Between 2007 and 2009, a relatively high number of cases proceeded to the hearing and final ruling process after investigation. As the number of cases advancing to the hearing stage fell back to more typical levels, the number pending in the hearing stage soon dropped accordingly. These levels can vary because it is difficult to predict how many complaints will be filed or how many cases will be active in the hearing stage during a given period of time.

Stages of Complaints	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Pending Complaints (at year-end)	284	259	256	240	259	225	202	216	164	202
In Investigation Stage	224	209	220	217	238	206	164	183	129	164
In Hearing Stage	60	50	36	23	21	19	38	33	36	38
New Complaints	247	259	299	267	249	261	246	265	176	215
Complaints Forwarded to Hearing	73	62	37	28	29	33	64	41	39	39

Hearing Stage Activity

In 2017, the Commission advanced a total of 39 cases to the hearing stage, following a finding of substantial evidence. This was the same number advanced to the hearing stage during 2016. As in past years, roughly 20% of the Commission's closed investigations were advanced to the hearing stage.

Of the cases advanced to a hearing in 2017, only 3 actually went to a full hearing in 2017. In 2017, the Commission held 25 settlement conferences before one of the Commission's independent mediators. Of those cases, 14 either settled or were dismissed based on the complainant's failure to cooperate with the process. The remaining cases carried over to the following year. At the end of 2017, 38 cases remained pending in the hearing stage.

Settlement of Complaints

A substantial number of discrimination cases closed due to settlement between the parties. The Commission values settlement of discrimination complaints consistent with its larger strategy to encourage the voluntary resolution of differences where possible. Settlement may occur prior to completion of a full investigation or after a case has advanced to the hearing process. In 2017, a total of 35 out of 181 closed cases were resolved by settlement, with 14 of those settlements taking place at a settlement conference.

Settlement is voluntary between the parties. When cases settle, the respondents do not admit liability and the Commission does not decide whether a violation actually occurred. The Commission is not a party to the settlement and does not require or advocate particular settlement terms. However, Commission staff, independent mediators, and hearing officers do encourage parties to try to settle their disputes and may facilitate the process. The Commission is authorized to order parties to participate in a confidential settlement conference conducted by one of its independent mediators. The Commission typically does this after a substantial evidence finding but before appointment of a hearing officer, if there appears to be settlement potential. In 2017, the Commission held 25 such settlement conferences, compared to 19 held in 2016.

Settlement terms vary, and because the majority of settlements are concluded as private agreements between the parties, the Commission often does not know the terms including the monetary value to complainants. To encourage settlement in the future, the Commission does not announce the terms of particular settlements, although parties may choose to do so if they have not agreed among themselves to keep the terms confidential.

Board Rulings

Administrative hearings are held before independent hearing officers appointed by the Commission from a pre-selected roster of attorneys with expertise in civil rights law and litigation. The hearing officer manages the pre-hearing process, assesses credibility, makes findings of fact, and issues a recommended decision which the Board considers as the basis for its final ruling on liability and relief. If a prevailing complainant was represented by an attorney, a second recommended and final ruling determines the amount of the attorney fees and related costs the respondent will be ordered to pay.

Board rulings are written legal opinions which explain the basis for the decision. They are available to the public and establish precedents for future Commission decisions. The *Board Rulings Digest* is a Commission publication listing all Board rulings entered after administrative hearings. The latest update of the *Board Rulings Digest* is available on the Commission's website or on request from the

office.

Employment Discrimination

Sketch v. Scott, Halsted, Babetch, et al., CCHR No. 13-E-69 (April 13, 2017).

Discrimination Claimed: Pregnancy

The Board previously found that Respondent discriminated against Complainant based on her pregnancy, when it withdrew her offer of permanent employment and refused to renew her employment contract, effectively terminating her employment. The Board awarded attorney's fees and costs in the amount of \$40,459.08.

Housing Discrimination

Brown v. Nguyen and Nguyen, CCHR No. 15-H-07 (January 12, 2017).

Discrimination Claimed: Source of Income

The Board found that Respondent landlords discriminated against the Complainant on the basis of his lawful source of income. Respondents refused to rent a house to Complainant and his son because Complainant is a holder of a HUD VASH (Veterans Affairs Supportive Housing) Certificate. Complainant tried repeatedly to rent Respondents' house, which was advertised as available and was close to Complainant's son's school, but Respondents refused to rent to him after discovering that he was a HUD VASH Certificate holder. Following Complainant's filing of his complaint in this matter, Respondents generally ignored all orders and deadlines from the CCHR. Following an entry to default against Respondents, a hearing was held on Complainant's claims and damages. The Board found that Respondents refused to rent their property to Complainant because of his lawful source of income, in violation of the Chicago Fair Housing Ordinance. The Board awarded the following relief: Emotional distress damages in the amount of \$10,000, punitive damages in the amount of \$15,000, a fine to the City of Chicago in the amount of \$1,000, and reasonable attorney's fees.

Brown v. Nguyen and Nguyen, CCHR No. 15-H-07 (June 8, 2017).

Discrimination Claimed: Source of Income

Following a hearing in that case, Board ruled for the Complainant, finding that the Respondents discriminated against the Complainant based on his source of income when they refused to rent a house to him because he was a HUD-VASH Housing Choice Voucher holder. With regard to the petition for attorney's fees, the Board awarded the Complainant's attorneys \$15,600 in fees.

Arnold v. Hennington, CCHR No. 15-H-29 (April 13, 2017).

Discrimination Claimed: Family Status

The Board found that the Respondent-landlord discriminated against the Complainant when he withdrew an offer to rent the Complainant an apartment after finding out that she would be living in the apartment with her teenage grandson. The Board found that the Respondent-landlord's action constituted a violation of the Chicago Fair Housing Ordinance, in that he discriminated against the Complainant based on her family status. The Board awarded damages to the Complainant in the amount of \$1,587.77, and imposed a fine to the City of \$1,000.

Alix Nibbs v. PT Chicago, LLC and Waterton Residential, LLC, CCHR No. 14-H-61 (May 11, 2017)

Discrimination Claimed: Source of Income

The Complainant was a Housing Choice Voucher (HCV) holder and also a participant the Chicago Housing Authority's Mobility Program. In July and August 2014, Respondents showed Complainant

several apartments at 555 W. Madison. Respondents knew that Complainant was a HCV holder. Using her Voucher, Complainant applied to rent a one-bedroom apartment from the Respondents. While Respondents would have accepted Complainant's Housing Choice Voucher, her rental application was ultimately rejected because her monthly income was below Respondents' minimum-income requirement of 300% of the market rent. Respondents offered Complainant the opportunity to obtain guarantor whose income met Respondents' minimum-income requirement. Complainant was unable to such a guarantor, and her application was ultimately rejected. Complainant alleged that this policy discriminated against her based on her lawful source of income. Following a full hearing in this matter, Board found against the Complainant and in favor of the Respondents. With regard to Complainant's disparate impact claim, the Board found that Complainant failed to present sufficient evidence as to how Respondents' minimum-income requirement impacted Voucher holders as compared with market rate non-Voucher holders. Likewise, with regard to Complainant's disparate treatment claim, the Board found that Complainant failed to prove that she was discriminated against and treated less favorably by Respondents because she was a HCV holder.

Arnold v. Hennington, CCHR No. 15-H-29 (November 9, 2017).

Discrimination Claimed: Family Status

The Board previously found that Respondent discriminated against Complainant based on her familial status, when he refused to rent an apartment to her after learning that she would be living with her fifteen year-old grandson. The Board awarded attorney's fees and costs in the amount of \$3,267.

Public Accommodation Discrimination

Costa and Murphy v. Khalaf, CCHR No. 15-P-09/10/11/12/13/14 (December 14, 2017)

Discrimination Claimed: Sexual Orientation

The Board found that the Respondent taxicab driver, Khalaf, discriminated against the Complainants, Costa and Murphy based on their sexual orientation. Specifically, Respondent abruptly pulled his cab over and ordered the Complainants, who are both men, to leave his cab after he observed them kiss. The Board adopted the recommended ruling of the hearing officer, finding that the Respondent's actions violated the Chicago Human Rights Ordinance. The Board awarded damages in the amount of \$500 to each Complainant; interest on those damages to the date of the violation; a fine to the City in the amount of \$100; and reasonable attorney's fees and costs.

Marshall v. Feed Restaurant, CCHR No.15-P-26 (Feb. 9, 2017).

Discrimination Claimed: Disability

On February 9, 2017, the Board of Commissioners ruled on an attorney's fee petition in a public access discrimination case. Following a hearing in that case, Board ruled for the Complainant, finding that the Respondent failed to provide full use of its restaurant to the Complainant and failed to reasonably accommodate his disability. With regard to the petition for attorney's fees, the Board awarded the Complainant's attorneys a total of \$28,740 in fees and \$38.90 in costs.

Lanham v. Logan Square Chamber of Commerce, CCHR No. 16-P-12 (June 8, 2017).

Discrimination Claimed: Disability

In this case, the Complainant, Robert Lanham, attempted to enter an indoor farmers' market run by the Respondent, Logan Square Chamber of Commerce, while accompanied by a service dog. At the time, Complainant and his service animal were initially granted access to the market by a security guard, but were then confronted by the Executive Director of the Logan Square Chamber of

Commerce. The Executive Director questioned the Complainant about whether or not his dog was indeed a service animal, and then denied the Complainant entry to the market, saying that the dog could not be allowed near food, particularly near food that was being prepared by vendors at the market. Complainant then left without being allowed entry to the market. The Board found that the Respondent's actions in denying Complainant and his service dog entry to the farmers' market constituted discrimination based on disability in a public accommodation, in violation of the Chicago Human Rights Ordinance. The Board awarded compensatory and punitive damages to the Complainant totaling \$10,000, plus pre- and post-judgment interest. The Board also fined the Respondent \$250 and ordered the Respondent to take remedial actions to ensure that it complies with the disability access provisions of the Chicago Human Rights Ordinance, particularly with regard to service animals.

Ordinances and Other CCHR Regulations Amendments

Revisions to the Disability Access Regulations

On October 13, 2016, the Board of Commissioners approved changes to the current regulations implementing the disability rights of individuals with respect to public accommodations with the goal of increasing awareness about accessibility obligations and facilitating compliance with both local and federal law on this issue. Although the goal was to implement these regulations at the beginning of 2017, subsequent conversations with staff at the Mayor's Office for People with Disabilities (MOPD) who were working on similar revisions to the Chicago Building Code resulted in the effective date being pushed back to July 1, 2017 to allow for a rollout of an educational campaign to businesses and disability rights groups about the changes to the regulations.

Hotel Workers Ordinance

In 2017, the CCHR worked in conjunction with Business Affairs and Consumer Protection to pass and implement a new ordinance specifically crafted to protect hotel workers in Chicago. The Hotel Workers Ordinance offer protections against harassment and retaliation to this particularly vulnerable group of employees. In addition to offering the protection of equipping workers who enter guest rooms with a panic button and requiring hotels to maintain and enforce an anti-sexual harassment policy, the new Ordinance prohibits hotels from retaliating against an employee for using a panic button or for exercising any of the protections granted in the anti-sexual harassment policy. The CCHR's role with respect to the Ordinance is to investigate and provide a forum for the adjudication claims under the anti-retaliation provision of the Ordinance. The Hotel Workers Ordinance becomes effective in 2018.

U and T Visa Certification

In 2017, with regard to the outreach and services and Chicago's immigrant and refugee community,

the CCHR began process of holding itself out as an agency that could, under the right circumstances, certify for U Visa and T Visa applications. In this capacity, the CCHR could play a potentially significant role in the granting of immigration relief to undocumented complainants who pursue claims of discrimination before the CCHR. To further this process, CCHR-Adjudication staff consulted with attorneys from United States Customs and Immigration Services (USCIS), which administers the U and T Visa programs. At the recommendation of these attorneys, CCHR sent a letter to the USCIS office charged with processing U and T Visa applications, setting forth the mission and goals of CCHR and explaining why CCHR should be viewed by USCIS as an agency that can certify for such applications. In addition, CCHR developed a procedure for evaluating requests for certification for U and T Visa applications. Throughout 2017, CCHR staff conducted significant outreach to advocates and community organizations working on behalf of Chicago's immigrant and refugee community. In November 2017, CCHR received its first request for a U-Visa certification.

Outreach

The Commission's Adjudication staff, both its attorneys and investigators, participated in a significant amount of outreach in 2017. Throughout the year, outreach activities by Adjudication staff included the preparation of presentation materials, delivering speaking presentations, participating as a speaker on informational panels, teaching continuing legal education courses, and staffing informational tables.

In particular, in 2017 the Adjudication staff conducted a significant amount of outreach around the issue of disability access. Throughout 2017, Commission staff presented to numerous Chambers of Commerce as well as to other small business organizations on the importance of accessibility. CCHR staff also conducted outreach to small businesses in Chicago by walking through particular neighborhoods with high concentrations of retail and restaurant establishments and speaking to business owners and managers about accessibility. Adjudication staff also conducted workshops at City Hall, in conjunction with the Mayor's Office for People with Disabilities, on the issue of accessibility.

Also in 2017, Adjudication staff continued their outreach efforts to advocates for workers and employees in Chicago. Throughout 2017, Adjudication staff worked to greatly increase its outreach through targeted education and presentations on the Commission's mission, duties, and goals, including presentations and participation in panel discussions before the Chicago Bar Association, the National Employment Lawyers Association, and the American Constitution Society. In addition, Adjudication staff regularly met with and spoke to representatives from numerous federal agencies as well community and workers' rights groups.

Fine Collection Efforts

With the collaboration of the Law Department and the Department of Administrative Hearings, the Commission has launched its collections efforts to collect outstanding fines through the city's administrative hearings process. The fines included in this process include fines ordered in administrative hearings before the Commission as well as fines imposed for failing to comply with Commission procedures, such as failing to appear for mandatory settlement conferences. Pursuant

to unsatisfied demand letters mailed to delinquent parties by the Commission, the Law Department initiated proceedings in 2016 to collect a total sum owed to the City of \$1,770. The Commission will continue to work with the Law Department in 2017 toward collecting on all outstanding balances.