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Cook County Commission on Human Rights

Just Housing Amendment Frequently Asked Questions for Landlords*

1. Why did the Cook County Board of Commissioners pass the Just Housing Amendment (JHA) to the Human Rights Ordinance?

In most cities, people with any kind of criminal record, even just an arrest, can be unfairly denied housing. The JHA was passed to help these individuals access safe, stable and affordable housing. The JHA:

- 1) Prohibits landlords from denying a housing application based on juvenile or adult arrest records; and
- 2) Requires that landlords perform an individualized assessment prior to denying any application for housing.

2. What is an individualized assessment?

An individualized assessment is a questionnaire that considers all relevant factors from an individual's conviction in the previous three (3) years. The following list provides a list of factors that can be considered. This list does not include all factors a landlord can consider.

- The nature and severity of the criminal offense and how recently it occurred.
- The nature of the sentencing.
- The number of criminal convictions.
- The length of time that has passed since the applicant's most recent convictions.
- The age of the individual at the time the criminal offense occurred.
- Evidence of rehabilitation.
- The individual history as a tenant before and/or after the conviction.
- Whether the criminal conviction(s) was related to the applicant's disability.
- If the applicant is a person with a disability, whether any reasonable accommodation could be provided to lessen any demonstrable risk.

3. When does the JHA go into effect?

The JHA went into effect on January 1, 2020. However, the Cook County Board of Commissioners has delayed enforcement of the Amendment until after January 31, 2020.

4. Who does the JHA apply to?

It applies to persons engaged in "real estate transactions." Real estate transactions include the sale, rental, lease, and sublease renewal of residential properties.

5. Can having a criminal background result in automatic denial of a housing application?

No. A landlord cannot consider criminal history that is more than three (3) years old.

*See Part 700 of the Cook County Just Housing Interpretative Rules for more information.

Just Housing Amendment

Frequently Asked Questions for Landlords

6. Are there any exceptions to the Just Housing Amendment?

Yes. A landlord may deny an applicant for a new lease or lease renewal of residential properties based on any of the following:

- The applicant or a household member is a current sex offender required to register under the Sex Offender Registration Act (or similar law in another jurisdiction);
- The applicant or a household member is a current child sex offender under residency restriction; or
- The applicant or a household member has a criminal conviction from the past three years. Before denying the application, the landlord must first perform an individualized assessment, and show denial based on a criminal conviction is necessary to protect against a demonstrable risk to personal safety and/or property.

7. May I say, “no sex offenders” or something similar when advertising for the unit?

No. However, it is lawful to say, “no registered sex offenders or persons under a current child sex offender residency restriction.”

8. What can I no longer say when advertising for the unit?

Landlords may not say “no felons,” “no sex offenders,” “no convicted drug dealers,” “no criminal history,” or “no arrest history.”

9. Are landlords required to conduct criminal background checks?

No, the JHA does not require landlords to conduct a criminal background check.

10. If an applicant was arrested but not convicted in the past three (3) years, can the arrest be a basis for denying the housing application?

No. Arrests and convictions are very different. An arrest without a conviction cannot be considered when evaluating rental applications.

11. What are the new and/or different requirements for processing housing applications?

Landlords can **no longer include a check box** on housing applications that asks whether an applicant has a criminal background.

Before accepting an application fee, a landlord or landlord must provide the following information:

- Tenant Selection Criteria, which describes how an applicant will be evaluated.
- Notice of the applicant’s right to dispute inaccuracies relevant to criminal history and to provide evidence of rehabilitation or other mitigating factors related to their criminal background.
- A copy of the JHA or a link to the Cook County Commission on Human Rights’ website.

Just Housing Amendment

Frequently Asked Questions for Landlords

12. What is the process required by the JHA tenant screening process?

Step One: Prequalification

During this step, a landlord may screen a tenant to determine whether the tenant satisfies all the application criteria such as income, rental history, credit score, pets, etc. Criminal background checks cannot be performed during Step One.

When this first step is completed, the landlord must either: 1) pre-qualify the applicant based on all criteria except those related to criminal history; or 2) deny the application based on failure to satisfy the prequalification criteria.

Step Two: Criminal Background Check

Only after the landlord prequalifies an applicant may a landlord conduct a criminal background check.

13. If I have two applicants apply on the same day and both are “pre-qualified,” may I select the one without a criminal record?

No, denial of a housing application cannot be based on an applicant’s criminal history prior to completing the two-step process and individualized assessment.

14. What if my municipality also has a crime free or housing nuisance ordinance?

Many home-rule municipalities in Cook County have enacted crime-free or nuisance property ordinances. These ordinances typically penalize landlords if criminal activity is alleged to occur at the landlord’s property. Some of these ordinances also contain provisions that require landlords to perform background checks or require the tenants to obtain occupancy permits before moving in.

Under state law, ordinances passed in Cook County apply throughout the entire county, unless a home-rule municipality has passed an ordinance in direct conflict with the County ordinance. In most cases, a crime-free or nuisance ordinance will not be in direct conflict with the JHA, and landlords should assume that the JHA applies unless they have a strong reason to believe otherwise. Landlords with any questions are encouraged to reach out to the Commission for legal guidance.

15. Do I have to hold a unit off the market while an applicant disputes?

No. You do not have to hold a unit off the market.

16. Is the landlord required to consider evidence of rehabilitation when completing an individualized assessment?

Yes. The following are examples of evidence of rehabilitation:

- Completion of a returning citizens program.
- Job readiness training.
- Supportive services that assist with the transition back to society.
- Completion of a GED or other education programs.
- Report from correctional facility.
- Employment.
- Personal recommendations.

Just Housing Amendment

Frequently Asked Questions for Landlords

17. May a landlord verify any evidence of rehabilitation?

Yes, however, a landlord must still complete the evaluation and then approve or deny a housing application within three (3) business days as required by the JHA.

18. What happens if the criminal background check reveals a conviction from the last three (3) years?

The JHA requires the landlord to complete an individualized assessment before denying housing. Landlords cannot consider convictions more than three (3) years old.

19. Does an applicant who is denied housing have the right to dispute the information contained in the criminal background check?

Yes. The JHA includes Conviction Dispute Procedures as described below.

Within five (5) business days of receiving a criminal background check, the landlord must deliver a copy to the applicant. A copy of the background check can be delivered in person, by certified mail, or by text or email.

Once the applicant receives the results of the background check, the applicant has five (5) business days to provide evidence that disputes the accuracy or relevance of information related to the criminal background check.

The landlord then has three (3) business days from receipt of the dispute information to accept or deny the application.

20. How does a landlord provide notice of its final decision?

The landlord has three (3) business days from receipt of the dispute information to accept or deny the application.

Any denial of a housing application or continued lease based on a conviction must be in writing and provide the applicant with an explanation of why the application denial was necessary to protect against a demonstrable risk of harm to personal safety and/or property.

21. What if an applicant does not challenge the accuracy or relevance of convictions?

Even if the applicant does not challenge the accuracy or relevance of his/her convictions, the landlord must still conduct an individualized assessment.

A landlord is not required to conduct an individualized assessment when the applicant is a sex offender or child sex offender under residency restrictions.

A landlord can only deny the housing application after reviewing the applicant's convictions from the past three years and determining the applicant poses a demonstrable risk.

22. What are the penalties for violating the JHA?

For cases investigated by the Cook County Commission on Human Rights, the penalties for violating the Just Housing Amendments may include complainant's compensatory damages and attorney fees and Commission fines.

Pre-Lease Rental Application
Cook County

Tenant Selection Criteria

Application Criteria:

-
-
-
-
-

Credit Check Criteria:

-
-

Income Criteria:

- Your rent cannot exceed 30% of your monthly gross income.
- If you are self-employed, we will need your last year's income tax returns.
- Unverifiable income cannot be used to qualify an applicant.
- Income subsidy if applicable.

Pet Policy:

- All pets are subject to management approval and will require a pet addendum to the lease.
- The maximum weight limit is -----.
- We do not accept Pit Bulls, Rottweilers, Mastiffs, Dobermans, Chows or any aggressive breed, please inform your leasing agent the type of pet you have prior to viewing an apartment.
- Up to _____ dog (s) are allowed per apartment.

Consideration of criminal history information: _____ considers an applicant's criminal history according to the guidelines of federal, state, and local law. Pursuant to the Cook County Human Rights Ordinance, [Landlord name] does not inquire about, consider, or require disclosure of an applicant's criminal history prior to determining whether the applicant has satisfied all other application criteria for housing. Applicant has the right to provide _____ with any and all evidence demonstrating inaccuracies within any conviction history of Applicant, or evidence of rehabilitation and/or other mitigating factors. Applicant may produce any evidence that disputes the accuracy or relevance of information related to any criminal conviction(s) of Applicant. Below is the link to part 700 of the Commission's procedural rules along with the address and phone number.

<https://www.cookcountyil.gov/agency/commission-human-rights-0>

69 W. Washington Street
Suite 3040
Chicago, IL 60602
(312)603-1100

Applicant Signature

Date

Applicant Signature

Date

APPLICATION REQUIREMENTS
Effective December 31, 2019

Thank you for your interest in renting from ____ [] ____ . In order to process your application for residency in one of our units we require the following payments and information/ documents at the time of application. **REMINDER: WE ARE UNABLE TO HOLD A UNIT OR TAKE IT OFF THE MARKET UNTIL WE RECEIVE THE FOLLOWING PAYMENTS, INFORMATION AND COMPLETED DOCUMENTS.**

1. COMPLETED AND SIGNED APPLICATION:

Please make sure you answer all sections of the application completely. Blank or unanswered sections may delay the processing of your application. Please provide both address and phone numbers for current and past landlords. Make sure you sign your application.

2. CREDIT CHECK AND EARNEST MONEY:

- a. \$ [] Check, Money Order for Credit Check, Cash
- b. \$ [] Earnest Money: Check, Credit Card, or Money Order – should you be turned down for the unit, the earnest money will be refunded to you. If you are approved for the unit and the unit is taken off-market the deposit is non-refundable but will be applied as credit toward your security deposit. If you are approved but then choose to decide not to rent the apartment you forfeit the \$ [] .

3. PROOF OF INCOME:

- a. Last two (2) paystubs from any/all current employment
- b. In lieu of paystubs you may use a signed letter of job offer and acceptance. This letter must be on company stationery and state hire date and salary.
- c. In the case of students who receive housing stipends, copies of student loan statements and bank and savings accounts may be considered as proof of income.
- d. Generally, we do ____ take co-signers unless the applicant is a full-time student.
- e. Proof of income subsidy if applicable.
- f. _____

All required information, documents, & payments should be forwarded to:

[]

or
or contact number [] , ext. []

Staff only:

- Completed application Date Received: _____
- Payment for credit check & earnest money Date Received: _____
- Proof of income Date Received: _____



RENTAL APPLICATION

This application is required for any person 18 years or older. Please make sure all information is accurate and complete so that your application can be processed. Incomplete applications will delay the process.

I, _____ undersigned hereby complete this application to rent

Unit # _____ Property address: _____

The anticipated move-in date is, _____ / _____ / _____, at a monthly rent of \$ _____

and security deposit of \$ _____. The term of this lease is for _____ months.

I understand, parking is not included in the lease amount listed above.

PERSONAL INFORMATION

Full Name: _____

First Middle Last

Mobile Phone #: _____ **Date of Birth:** _____ / _____ / _____

Social Security: _____ **Email Address:** _____

DEPENDANT INFORMATION

Full Name: _____

First Middle Last

Date of Birth: _____ / _____ / _____

Full Name: _____

First Middle Last

Date of Birth: _____ / _____ / _____

PET INFORMATION

What kind of pet do you have? _____ Breed of Pet _____

How many pounds is your pet? Cannot exceed 40 pounds _____

OFFICE USE

Deposit Hold of \$ _____ Check # _____

Credit Check Fee of \$ _____ Check # _____

Received By: _____ Date: _____

Agent: _____

RESIDENTIAL HISTORY-Current Rental information if less than three years fill out next section



Pre-Lease Rental Application
Cook County

Current Address: _____ Unit # _____ City: _____

State: _____ Zip: _____

Landlord Name: _____ Landlord Phone # _____

Landlord Fax # _____ Landlord Email: _____

Move In-Date: _____ / _____ / _____ Move Out Date: _____ / _____ / _____

Reason for Leaving: _____ Monthly Rent \$ _____

RESIDENTIAL HISTORY-Complete if you have lived at your current address less than 3 years.

Previous Address: _____ Unit # _____ City: _____

State: _____ Zip: _____

Landlord Name: _____ Landlord Phone # _____

Landlord Fax # _____ Landlord Email: _____

Move In-Date: _____ / _____ / _____ Move Out Date: _____ / _____ / _____

Reason for Leaving: _____ Monthly Rent: \$ _____

RESIDENTIAL HISTORY-Complete if you have lived at your current/previous address less than 3 years.

Previous Address: _____ Unit # _____ City: _____

State: _____ Zip: _____

Landlord Name: _____ Landlord Phone # _____

Landlord Fax # _____ Landlord Email: _____

Move In-Date: _____ / _____ / _____ Move Out Date: _____ / _____ / _____

Reason for Leaving: _____ Monthly Rent: \$ _____

VEHICLE INFORMATION

Make: _____

Model: _____

Year: _____

Color: _____

License Plate Number #: _____

License Plate State: _____

Night parking is prohibited on all Village streets from 2:30 A.M. to 6:00 A.M. The lessee is responsible for providing off street parking if not provided by the lessor.

EMPLOYMENT INFORMATION - Current employer information.



Pre-Lease Rental Application
Cook County

Employment Status: Full Time Part Time Student Unemployed

Current Employer Name: _____

Title of Position: _____

Employer Address: _____ Unit # _____ City: _____

State: _____ Zip: _____ Gross Annual Salary: \$ _____

Start Date: ____ / ____ / ____

Human Resource Phone #: _____ Fax: _____

ADDITIONAL INCOME-Other sources of income

Gross Annual Amount: \$ _____ Source: _____

Contact Name: _____ Contact Phone # _____

Gross Annual Amount: \$ _____ Source: _____

Contact Name: _____ Contact Phone # _____

ADDITIONAL INFORMATION

Have you ever been evicted?	No _____	Yes _____
Do you owe any current or previous landlord money?	No _____	Yes _____
Have you ever refused to pay rent?	No _____	Yes _____
Have you filed for bankruptcy, what year?	No _____	Yes _____
Do you have any collections over \$500?	No _____	Yes _____

HOW DID YOU FIND US

- Our website
- Oak Park Housing Center
- Apartments.com
- Apartment Guide
- Other
- Building Signage
- Resident Referral _____

I warrant all statements are true. I understand any false information or misrepresentations on this application will cause this application to be denied. The \$ _____ credit check fee is non-refundable. The \$ _____ deposit is to hold the apartment and is non-refundable unless the application is declined. When the application is approved the \$ _____ deposit will be applied towards the security deposit and a property manager will contact me to sign my lease and pay the remainder of the security deposit within 5 business days or I will forfeit the deposit. I also understand I have 48 hours to submit all required documents or this application will be rejected and I will lose my \$ _____ deposit.

X _____
Applicant Signature

X _____
Date



Owner/Manager

AUTHORIZATION

To Release Information

I, _____ (PRINT NAME), do hereby authorize _____
to obtain any employment and/or residency information necessary to complete my rental application and to
perform a credit and criminal background history. Furthermore, I authorize any prior landlord or employer to
release information to the _____.

X _____
Applicant Signature

X _____
Date

