Renter’s Rights Checklist – Cook County

Think back to when you first started looking for housing to rent. Did any of the following happen? If so, you may have a claim for discrimination. If you can remember dates, be sure to write those down next to the sentences below. Refer to this document when filling out your claim paperwork to make sure you include everything that happened. If you decide to talk to an attorney, bring this checklist with you.

The lease, the ads, the listings

☐ The ad for the listing said "no felonies," "no conviction," or in some other way discouraged me from applying because of my record.
☐ The price, terms, and conditions of a lease were changed based on the applicant’s background. For example, if your landlord required an extra deposit or higher rent because of your background.
☐ The landlord did not show me (the applicant) a listing because of my record.
☐ When I called and told them I had a record, they told me they don’t rent to people with convictions.

Disclosures made to applicants before they pay their application fee

☐ The landlord did not let me know about the Tenant Selection Criteria before I paid my application fee. Tenant Selection Criteria must explain how tenants are selected and what type of information the landlord will consider.
☐ The landlord only informed me about some of the Tenant Selection Criteria, not everything.
☐ The landlord did not tell me I have the right to submit extra information explaining my background check results.
☐ The landlord did not give me a copy of the procedural rules under the Just Housing Amendment OR the website, address, and phone number for the Cook County Human Rights Commission.

Asking an applicant about their arrest or conviction history before making a conditional housing offer

☐ The landlord asked me if I had any criminal charges, convictions, or pending cases on the application form, during a phone call before applying, or while showing me the property.
☐ The landlord didn’t tell me I was qualified for the unit, but asked me about my conviction history anyway.
☐ The landlord did a background check before telling me I was eligible for the unit.
☐ The landlord did not tell me they were running a background check.
☐ The application had a box for me to check asking if I was convicted of a crime.

What did the criminal background check cover?
The landlord used a conviction that happened more than 3 years ago to deny my application.
The landlord considered one or more of the following in my record: arrests, charges, or citations; participation in a diversion or deferral of judgment program; sealed, expunged, or pardoned records; or juvenile records.

Sharing the results of the background check

The landlord did not give me a copy of the background check within 5 business days of getting it.
The landlord denied my application before giving me a copy of the criminal background check.
The landlord did not tell me that I had 5 business days to explain why the background check was wrong, submit evidence of rehabilitation, or submit other information that explains my arrest or conviction.
The landlord denied me without giving me at least 5 business days from the date of the background check results to submit more information.

If your conviction was related to a disability, learn more about requesting a reasonable accommodation.

Looking at each conviction from the past three years separately

The landlord denied my application because of a conviction that was more than 3 years old.
I have a conviction from the last 3 years, but the landlord didn’t give me a written notice before denying my application.
My landlord did an assessment and gave me a copy in writing, but did not consider everything about my situation. Think about whether your landlord looked at:
  o type and seriousness of the offense,
  o nature of sentencing,
  o number of conviction(s),
  o length of time that has passed since the conviction,
  o your age,
  o evidence of rehabilitation, (e.g. successfully completed probation, reentry programs, or involvement in community or support groups)
  o your housing history before and after the conviction, and
  o disability-related factors.
My landlord denied me because of a recent conviction but didn’t explain why my conviction was a demonstrable risk. “Demonstrable risk” means that there is a clear likelihood of harm to the property or other people on the property.
I have a disability, and the landlord decided there was a “demonstrable risk” without thinking about reasonable accommodations that would reduce the risk.
The denial did not include information about my right to file a complaint with the Cook County Human Rights Commission.
☐ The landlord gave me a written individualized assessment with the denial, but I disagree with the analysis or reasoning.
☐ The landlord did not keep my information confidential.

Need help?

If you have questions about the Just Housing Amendment, contact Uptown People’s Law Center at 773-769-1411.

Chicago Lawyers’ Committee for Civil Rights also helps with Just Housing Amendment complaints. You can connect with fair housing staff at Chicago Lawyers’ Committee through the CARPLS legal help and referral hotline at 312-738-9200 or through the CARPLS website.