STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST FOR REVIEW BY:	)	CHARGE NO.: 2008CH2350
MONIQUE DICKSON & GUNTER WILLIM,	)	HUD NO.: 05-08-0686-8
Complainants.	)	ALS NO.: 08-0534

ORDER

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman and Yonnie Stroger presiding, upon the Complainant's Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Department") of Charge No. 2008CH2350, Monique Dickson and Gunter Willim, Complainants, and Hill Street Associates, L.P. and Urban Innovations, Respondents; and the Commission having reviewed *de novo* the Department's investigation file, including the Investigation Report and the Complainants' Request and supporting materials, and the Department's response to the Complainants' Request; and the Commission being fully advised of the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Department's dismissal of the Complainants' charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. The Complainants filed a charge of discrimination with the Department on February 25, 2008, alleging that the Respondents refused to rent to them and subjected them to discriminatory terms, conditions, privileges, or services and facilities because of Complainant Dickson's sexual orientation (transgendered) and race (African American), and because of Complainant Willim's national origin (Germany), in violation of Section 3-102(B) of the Illinois Human Rights Act (the "Act"). The Department dismissed the charge on October 2, 2008, finding that there was no substantial evidence that a violation of the Act had occurred. The Complainants thereafter filed a timely request for review on October 28, 2008.

2. The undisputed evidence in the investigation file shows that Respondent Hill Street owned the Maple Pointe Apartments complex ("Maple Pointe"), and Respondent Innovations managed Maple Pointe. The evidence further demonstrated that when applicants submitted rental applications to the Respondents, it was the ordinary practice of the Respondents to submit the applications to an independent credit reporting agency called "The Registry, Inc." The Registry, Inc., created its own credit score for each applicant based on the credit report information that it received.

3. The Respondents would then use the score that was generated by The Registry, Inc., in order to determine which applications they would accept and which ones they would deny. The Respondents' ordinary practice was to accept any applicant who scored greater than 170; accept with certain conditions applicants who scored 130-169, and to reject any applicant who scored below 130.

4. During the investigation, the Respondents submitted undisputed evidence that showed that 59 applicants were approved for tenancy between July 2007 and July 2008, and that all approved applicants met the Respondents' tenant selection criteria. The undisputed evidence also showed that of those 59 that were approved, 32.2% of those applicants were African American. There was no evidence that the Respondents had knowledge or records of any of the applicants' sexual orientation or national origins.

5. The undisputed evidence shows that Complainant Dickson completed and signed the rental application. Complainant Willim did not sign the rental application; therefore, only Complainant Dickson's credit report information was reviewed by The Registry, Inc.

6. The Registry, Inc, assigned Complainant Dickson a credit score of 89 based upon her credit history, income and a former bankruptcy. Thereafter, the Respondents rejected the Complainants' rental application based on Complainant Dickson's credit score of 89.

7. In their charge and their Request, the Complainants' contend that their application was rejected because the Respondents and/or some of their employees were biased against the Complainants because Complainant Dickson is African American and transgendered, and Complainant Willim is German. The Complainants contend in their Request that employees of the Respondent should have been interviewed by the Department because those employees allegedly exhibited prejudice toward the Complainants and because the interviews were poorly conducted. The Complainants also dispute the credit score obtained by the Respondents. However, the Complainants present no additional evidence that would tend to materially dispute the credit score.

8. The Commission's review of the Department's investigation file leads it to conclude that the Department properly dismissed the Complainants' charge because there is no substantial evidence in the record that the Respondents' decision to deny the Complainants' application was motivated by anything other than Complainant Dickson's poor credit score, as generated by The Registry, Inc.

9. The Complainants have not presented any substantial evidence to demonstrate that the Respondents rejected the Complainants' application for tenancy because of race, sexual orientation or national origin. Rather, the evidence demonstrates that the Respondents followed its ordinary policy in selecting tenants. The undisputed evidence in the file demonstrates that Complainant Dickson's credit score fell within the category of applicants that the Respondents routinely rejected for tenancy.

10. Further, there is no substantial evidence in the record that the stated reason for rejecting the Complainants' application for tenancy was a mere pretext for discrimination. For example, there is no evidence that non-African American, non-transgendered, or non-German applicants who failed to meet the Respondents' tenant selection criteria were allowed to rent an apartment at Maple Pointe. Further, the undisputed evidence demonstrates that African American applicants who met the Respondents' tenant selection criteria were able to rent apartments at Maple Pointe.

11. Accordingly, it is the Commission's decision that the Complainants have not presented any evidence to show that the Department's dismissal of their charge was not in accordance with the Act. The Complainants' Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Complainants' charge is hereby **SUSTAINED.**

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and the Respondents, Hill Street Associates, L.P., and Urban Innovations, as appellees, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

STATE OF ILLINOIS)
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HUMAN RIGHTS COMMISSION)

Entered this 4th day of March 2009.

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Yonnie Stroger