

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST:)	
FOR REVIEW BY:)	CHARGE NO.: 2009CH1632
)	HUD NO.: 050902628
CHARLIE KAMIL,)	ALS NO.: 09-283
)	
Complainant.)	

ORDER

This matter coming before the Commission by a panel of two, Commissioners Sakhawat Hussain and Rozanne Ronen, 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. 2009CH1632, Charlie Kamil, Complainant, and U.S. Residential Management and Development, LLC ("Residential Management"), and the Chicago Housing Authority ("CHA"), Respondents; and the Commission having reviewed *de novo* the Department's investigation file, including the Investigation Report and the Complainant's Request and supporting materials, and the Department's response to the Complainant's Request; and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Department's dismissal of the Complainant's 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 Complainant filed a perfected charge of discrimination with the Department on November 25, 2008, amended January 21, 2009 and March 5, 2009, in which he alleged that the Respondents subjected him to discriminatory and unequal terms and conditions of tenancy because of his race (White), in violation of Section 3-102(B) of the Illinois Human Rights Act (the "Act"). In Count A of the charge, the Complainant alleged that the Respondents ignored his requests for repairs to his apartment unit. In Count B, the Complainant alleged that the

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Respondents ignored his requests to be transferred to another public housing building under a different property management company. The Department dismissed the Complainant's charge on May 18, 2008 based on its determination that there was no substantial evidence of discrimination. The Complainant thereafter filed a timely Request on May 23, 2009.

2. The undisputed evidence in the file shows that the Complainant resides in an apartment unit in a senior housing public housing complex (the "Subject Property"). The Subject Property is owned by the CHA, and is managed by Residential Management. The Subject Property was built in 2008. Acting on the Complainant's application to transfer to a different senior public housing building, the CHA transferred the Complainant into the Subject Property on May 19, 2008. The Complainant was the first individual to occupy his apartment unit. Soon thereafter, the Complainant complained to Residential Management about his need for various repairs in his apartment unit.
3. Pursuant to his leasing agreement with the CHA, all maintenance and repair issues were deferred to Residential Management. The Complainant alleged in his charge that his requests for repairs were ignored because of his race, White. The Complainant contended that the apartment unit occupied by his African American neighbor was in better condition than his, and that the Respondents did not ignore his African American neighbor's requests for repairs.
4. In the course of its investigation, the Department's investigator went to the Subject Property, where he examined the condition of the Complainant's apartment unit, as well as his African American neighbor's apartment unit. The Department investigator observed no significant difference in quality between the two apartment units.
5. The investigation also revealed that the Respondents had authorized numerous maintenance repairs to the Complainant's unit prior to November 25, 2008, when the Complainant initially filed his charge, including repairs to his front entrance door; kitchen drawer; kitchen countertop; kitchen and bathroom sinks; kitchen shelving; kitchen stove; bathroom shower; bathroom closet shelving; living room and kitchen floor tiles, and painting his walls.
6. Further, the Complainant's African American neighbor stated that he had only complained about poor heating in his apartment unit, which issue had been resolved by the Respondents. He also stated that the Complainant had visited him at his apartment, but that the Complainant had not been inside of his apartment unit, which the Complainant did not dispute.
7. The Complainant did not identify any other non-White tenants who allegedly received better treatment than he did.

8. In his Request, the Complainant states that he desires a new investigation based on an unspecified disagreement or “termination.” He continues to assert that work orders submitted to Residential Management were ignored, and that the Respondents threatened to throw him out of the Subject Property unless he dropped his charges.
9. In its Response, the Department argues that the Complainant failed to establish a *prima facie* case of racial discrimination in violation of 3-102(B) of the Act.
10. The Commission’s review of the Department’s investigation file leads it to conclude that the Department properly dismissed the Complainants’ charge for lack of substantial evidence because there is no evidence in the file to support the Complainant’s allegations that the Respondents treated non-White tenants more favorably.
11. As to Count A, the evidence in the file supports the Department’s finding that the Complainant actually received more maintenance repairs to his apartment unit than the African American comparable that the Complainant identified. It is clear that the Complainant merely speculated that his African American neighbor was receiving preferential treatment, especially in light of the fact that the Complainant had never even been inside of his African American neighbor’s apartment unit. The evidence in the file shows that, in fact, the Complainant and his African American neighbor had apartment units of comparable quality.
12. As to Count B, the file shows that Residential Management was aware that the Complainant wanted to transfer to a different senior public housing building owned by the CHA. However, the Complainant presented no evidence that he ever took the steps necessary to officially request that the CHA transfer him to a different building, or place him on a waiting list for transfer.
13. There is also no evidence in the record to substantiate the Complainant’s new contention that the Respondents threatened to throw him out of the Subject Property unless he dropped his charge. The file reflects that the Complainant still resides at the Subject Property. To the extent that the Complainant seeks to raise for the first time in his Request a claim of retaliation, the Commission does not have the statutory authority to review new allegations or charges of discrimination that are raised for the first time in a request for review. See 775 ILCS 5/8-103 (West 2009).
14. Accordingly, it is the Commission’s decision that the Complainant has not presented any evidence to show that the Department’s dismissal of his charge was not in accordance with the Act. The Complainant’s Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Complainant's 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, the Chicago Housing Authority, and U.S. Residential Management and Development, LLC., 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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Entered this 16th day of September 2009.

Commissioner Sakhawat Hussain

Commissioner Rozanne Ronen