

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST:	)	
FOR REVIEW BY:	)	CHARGE NO.: 2008CH2342
	)	EEOC NO.: N/A
PAMELA RANDLE and SHERMAN RANDLE,	)	HUD NO.: 05-08-1584-8
	)	ALS NO.: 08-0468
Complainants.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman, and Yonnie Stroger presiding, upon Complainants' Request for Review ("Request") of the Notice of Dismissal ("Notice") issued by the Department of Human Rights ("Department") of Charge No. 2008CH2342, Pamela Randle ("Complainant #1") and Sherman Randle ("Complainant #2"), Complainants, and Avalonbay Communities, Inc., Respondent; 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 Complainant's reply to the Department's response; and the Commission being fully advised of 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. On February 8, 2008, the Complainants filed a charge of discrimination with the Department, alleging that the Respondent coerced, intimidated, threatened, or interfered with the exercise and enjoyment of their apartment and constructively evicted the Complainants from their apartment because of their race, African American, in violation of § 3-102(B) of the Illinois Human Rights Act ("Act"). On September 30, 2008, the Department dismissed the Complainant's charge for lack of substantial evidence of discrimination. On November 1, 2008, the Complainant filed a timely request for review.

2. The Department's investigation revealed that the Respondent operates a 196-unit apartment building in Schaumburg, Illinois. On September 9, 2006, the

Complainants completed applications to rent an apartment from the Respondent. The Department's investigation discovered that Complainant #2 listed on his application the reason for leaving their previous apartment as "racism and unbearable noises." On November 11, 2006, the Complainants entered into a one-year lease with the Respondent to rent a first floor apartment.

3. The Department's investigation showed that the Complainants initially lived beneath a family ("Neighbor #1"). The Complainants alleged numerous times to the Respondent that Neighbor #1 walked hard throughout its apartment and was intentionally loud in order to bother the Complainants. The Respondent attempted to remedy the Complainants' accusations by notifying Neighbor #1 about the Complainants' noise complaints. Neighbor #1 contended that the Complainants were oversensitive to noise and rude to Neighbor #1 and as a result, Neighbor #1 moved from the apartment.

4. The Department's investigation revealed that beginning in April 2007, the Complainants lived beneath another person ("Neighbor #2"). The Complainants alleged numerous times to the Respondent that Neighbor #2 was intentionally and excessively noisy and used a dog to intimidate the Complainants. The Respondent requested more specific information from the Complainants, suggested that the Complainants call the police if they felt threatened, sent a letter to Neighbor #2 regarding the dog kept at the apartment, and issued Neighbor #2 a Notice of Lease Violation for excessive noise.

5. In May 2007, the Complainants inquired whether they could terminate their lease early and sent a letter to the Respondent stating that they were giving sixty days notice that they were vacating their apartment due to excessive noise. The Respondent informed the Complainants that under the terms of their lease, they must pay an early termination fee if they vacated their apartment prior to the expiration of their lease. On May 31, 2007, the Complainants sent the Respondent a letter with a copy of their apartment keys stating that they were vacating the apartment.

6. In their Request, the Complainants contend that the Respondent ignored two of the Complainants' noise complaints regarding the Respondent's tenants because of the Complainants' race. The Complainants allege that they paid a higher security deposit because of their race and that the Respondent performed demolition above their apartment without prior notice to them. The Complainants also allege that the Respondent's employees made discriminatory remarks about the Complainants.

7. The Commission's review of the investigation file leads it to conclude that the Department properly dismissed the Complainants' charge because there is no evidence that the Respondent racially discriminated against the Complainants. The Complainants' allegations revolve around their discontent with purportedly noisy neighbors; however, there is simply no evidence presenting a nexus between the allegations of the neighbors' alleged noise and the Complainants' race. Further, the investigation file shows that the Respondent attempted to remedy the grievances in a reasonable manner by responding to each of the Complainants' complaints, issuing a letter to Neighbor #2, and issuing a Notice of Lease Violation to Neighbor #2.

