

Know Your Rights Know Your Remedies Know Your Resources

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www.saferfoundation.org

Thursday, July 8, 2021



The Goals of Today's Presentation

In order to navigate the multiple barriers to reentry, you must.....

1

KNOW YOUR RIGHTS

There are protections for people with arrest and conviction records, many that Safer Foundation fought for. And you will learn them today!

2

KNOW YOUR REMEDIES

Once you know your rights, you need to know how to enforce them!

3

KNOW YOUR RESOURCES

There are resources out there, and we will help you find them.



Topics in the Presentation Series



**EMPLOYMENT &
OCCUPATIONAL LICENSING**



HOUSING



EDUCATION



CIVIC ENGAGEMENT



DRIVER'S LICENSES



CRIMINAL RECORDS RELIEF



OVERVIEW OF SAFER FOUNDATION



We Are Safer Foundation

OUR MISSION

To support, through a full spectrum of services, the efforts of people with arrest & conviction records to become employed, law-abiding members of the community and as a result, reduce recidivism.

OUR WORK

- ❖ Education & Industry Training
- ❖ Specialized Workforce Development
- ❖ Transitional & Permanent Jobs
- ❖ Social Enterprises: Staffing, Housing, Construction
- ❖ Community Housing Programs
- ❖ Counseling and Wellness Center
- ❖ Policy, Advocacy & Legislation
- ❖ Professional Services and Technical Assistance
- ❖ Community Corrections



We Are Safer Foundation

OUR FOOTPRINT

- ❖ 8 locations in Illinois and 3 in Iowa
- ❖ 300+ employees

OUR IMPACT FY18

- ❖ 5,175 Clients Served
- ❖ 2,807 Job Starts
- ❖ Job Retention
 - ❖ 90 days (91%),
 - ❖ 180 Days (83%),
 - ❖ 365 Days (75%)



Mass Incarceration in Illinois

4.2M

adults in Illinois
have an arrest or
conviction record.

40,000

people
are in Illinois'
prisons.

6,000

people
are in Cook
County Jail.

11,000+

return to Chicago
annually from Illinois
prisons,
concentrated in 7
neighborhoods.

28,000+

exit the Illinois
Department of
Corrections
annually.

\$151,662

Cost associated
with one recidivism
event in Illinois.



The Challenges of Having an Arrest or Conviction Record

The Barriers to Reentry Exacerbate Poverty, Crime and Violence

EDUCATION

32% of colleges in the US that request criminal history information automatically deny admission to applicants who fail to disclose their criminal record.

OCCUPATIONAL LICENSING

HOUSING – Public & Private Market

EMPLOYMENT

500 employment related barriers in Illinois. 65% of employers refuse to hire persons with one conviction of any kind.

DEBT

\$1,445 can be the minimum in legal financial obligations from fines and court related fees that would be charged to someone convicted of a first time drug offense of the lowest level.

PARENTAL RIGHTS

VOTING

PUBLIC BENEFITS



HOUSING



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ACCESS TO
JUSTICE

Types of Housing



Your rights to access safe and affordable housing can differ based on whether it is the private market or subsidized housing.

Subsidized housing includes public housing, Section 8 vouchers, project based subsidized housing and permanent supportive housing.

Subsidized housing is often regulated by HUD and administered by local Public Housing Authorities (PHAs)

Subsidized Housing Mandatory Barriers

 Does *any* felony conviction bar a person from accessing subsidized housing?

Only two convictions are a **mandatory bar** to accessing federally subsidized housing:

- No**
- 1) manufacturing methamphetamine on the premises of federally assisted housing
 - 2) convictions requiring lifetime registration on sex offense registries.

Subsidized Housing Discretionary Barriers

Other types of “criminal activity” *may* prohibit admission to federally-assisted public housing

1 Drug-related criminal activity

2 Violent criminal activity

3 Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or threatens the health and safety of the owners or management staff



Criminal activity can be alleged by mere arrests!



Subsidized Housing Discretionary Barriers

If a Public Housing Authority is going to deny admission for “criminal activity,” they must comply with the following requirements:

Provide a copy of the background check, and brief statement of the reasons.

Provide an opportunity to dispute the accuracy or relevancy of that record through an informal hearing process

Cannot charge the tenant/applicant for the cost of the criminal records check

Fair Housing Act

In 2016, HUD issued guidance for landlords on their responsibilities to not violate the Fair Housing Act through indefensible uses of criminal records.

The use of mere arrests not leading to a conviction

The use of blanket no-conviction policies (except convictions for the distribution of controlled substances)

Complaints can be filed with HUD's Office of Fair Housing and Equal Opportunity (FHEO) or the Illinois Dept. of Human Rights (IDHR)

HOUSING DISCRIMINATION INFORMATION

Departamento de Vivienda y Desarrollo Urbano Oficina de Derecho Equitativo a la Vivienda
U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity

Instructions: (Please type or print) Read this form carefully. Try to answer all questions. If you do not know the answer or a question does not apply to you, leave the space blank. You have one year from the date of the alleged discrimination to file a complaint. Your form should be signed and dated.

Jane Doe

Your Name

571 W. Jackson Blvd.

Your Address

Chicago

IL

60661

City

State

Zip Code

After 3pm

312-922-2200

Same

Best time to call

Your Daytime Phone No.

Evening Phone No.

Who else can we call if we cannot reach you?

John Doe

Contact's Name

After 10 am

Best Time to call

312-000-0000

Same

Daytime Phone No.

Evening Phone No.

Contact's Name

Best Time to call

Daytime Phone No.

Evening Phone No.

What happened to you?

How were you discriminated against?

For example, were you refused an opportunity to rent or buy housing? Denied a loan? Told that housing was not available when in fact it was? Treated differently from others seeking housing?

State briefly what happened.

I applied for an apartment. When my background check came back I told that I was being denied the apartment because of a retail theft conviction I had from 6 years ago. The landlord told me that they do not rent to people with convictions.



HOUSING DISCRIMINATION INFORMATION

Departamento de Vivienda y Desarrollo Urbano
U.S. Department of Housing and Urban Development

Oficina de Derecho Equitativo a la Vivienda
Office of Fair Housing and Equal Opportunity

2 Why do you think you are a victim of housing discrimination?

Is it because of your:

- race - color - religion - sex - national origin - familial status (families with children under 18) - disability?

For example: were you denied housing because of your race? Were you denied a mortgage loan because of your religion? Or turned down for an apartment because you have children?

Briefly explain why you think your housing rights were denied and circle the factor(s) listed above that you believe apply.

I believe that I was discriminated against based on race, because the policy of not renting to people with any convictions, regardless of the type of case, has a disproportionate impact on people of color.

Who do you believe discriminated against you?

For example: was it a landlord, owner, bank, real estate agent, broker, company, or organization?

Identify who you believe discriminated against you.

Landlord - Michael Doe

Name

1000 W. Jackson Blvd, Chicago IL 60603

Address

4 Where did the alleged act of discrimination occur?

For example: Was it at a rental unit? Single family home? Public or Assisted Housing? A Mobile Home?

Did it occur at a bank or other lending institution?

Provide the address.

Rental Unit (apartment) - 1000 W. Jackson Blvd

Address

Chicago

City

IL

State

60603

Zip Code

5 When did the last act of discrimination occur?

Enter the date

5 / 26 / 2020

Is the alleged discrimination continuing or ongoing?

Yes No

☐☒

Signature

Signature

Date

Date



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ACCESS TO JUSTICE

Private Housing in Illinois

 **Can landlords deny renting to me because of *any* criminal record?**

The **Illinois Human Rights Act** prohibits landlords from using “arrest records” which includes:

- 1) Arrests not leading to conviction, including non-conviction sentences
- 2) Juvenile adjudications
- 3) Records that have been ordered expunged or sealed

No

If your rights have been violated, you can file a charge with the Illinois Dept. of Human Rights!

Department of Human Rights

(For IDHR Use Only) CONTROL NUMBER:

Instructions: Read this entire form and all the instructions carefully before completing. All questions should be answered. However, if you do not know the answer or if a question is not applicable, leave the question unanswered and fill out as much of the form as you can. Return the form in person, by mail or fax to IDHR's Chicago Office. You have one year from the date of the alleged discrimination to file a charge, but it's best to file as soon as possible. The form should be signed and dated below. Use additional sheets if necessary. THIS IS NOT A CHARGE. If IDHR accepts your claim, we will send you a charge form for signature.

Complainant Information:

Name of Aggrieved Person(s) or Organization: Jane Doe

Telephone No. 312-822-2200

Address: 571 W. Jackson Blvd

Apt. No.

City, State, ZIP Chicago, IL, 60651

County: Cook

Cell Phone No.: Same

Email Address: JaneDoe@gmail.com

Who else can we call if we cannot reach you?

First Contact's Name: John Doe

Daytime Phone: 312-000-0000

Address, City, State, ZIP: Same

Second Contact's Name:

Daytime Phone:

Address, City, State, ZIP:

1a. What happened to you? Check all that apply.

- ☐ Refused an opportunity to rent or buy housing or told housing was not available when it was. ☐ Discriminated against in broker's services.
- ☐ Refused a request to accommodate policies or practices or modify housing because of a disability. ☒ Treated differently than others seeking housing.
- ☐ Discriminated against in the terms or conditions of sale, rental occupancy, or in services or facilities. ☐ Denied a loan.
- ☐ Discriminated against in financing of a home or commercial property. ☐ Intimidated/interfered/coerced in the exercise of my housing rights.
- Other (explain)

1b. State briefly what happened. (Attach an additional page if necessary.)

I applied for an apartment. When my background check came back I was told that I was being denied the apartment because of a DUI arrest from 2018. I was not convicted of this charge. The landlord told me they do not rent to people with DUI's.

2a. On what date did the last act of discrimination occur? 5/28/2020**2b. Is the action on going?** ☐ Yes ☒ No

Protected classes: It is a violation of the Illinois Human Rights Act to deny a person housing rights because of any of the following protected classes: race; color; religion; sex (including sexual harassment); pregnancy; national origin; familial status (families with children under 18); arrest record; disability; aiding/abetting; willful interference and coercion; military status; unfavorable military discharge; retaliation; marital status; ancestry; age (40 and over); sexual orientation (including gender identity); and order of protection status.

3. Why do you believe you are being discriminated against? For example: were you denied housing because of your race? Were you denied a mortgage loan because of your religion? Or turned down for an apartment because you have children? Were you harassed because you assisted someone in obtaining their fair housing rights? Briefly explain why you think your housing rights were denied because of any of the protected classes listed above.

I was discriminated against based on my arrest record. I know this because the landlord told me that I would not get the apartment because of the arrest after he got a copy of my background check back.

4a. Who do you believe discriminated against you?	
Name: Michael Doe	Phone No.: 312-000-0000
Address, City, State, ZIP: 1000 W. Jackson Blvd.	
4b. Mark the applicable box that describes the person named above:	
☒ Landlord ☐ Owner ☐ Bank or Other Lender ☐ Real Estate Agent ☐ Broker Other:	
5a. What kind of house, rental unit or property was involved? Check the appropriate box(es):	
☐ Single family home ☒ Apartment building of more than 4 units ☒ Owner lives on the property ☐ Public or assisted housing ☐ Vacant land	
☐ Mobile home park ☐ Commercial space Other (specify):	
Number of units on the property: 12	
5b. What is the address of the house, rental unit, or property?	
Address: 1000 W. Jackson Blvd.	Apt. No.: 3
City, State, ZIP: Chicago, IL, 60603	County: Cook
Is the property still available? ☐ Yes ☐ No ☒ Unknown	
6. We need some information for statistical purposes:	
Sex: F	Date of birth (page cases only):
National Origin (specify): USA	
How did you learn of our office?	
From a Know Your Rights presentation with the Safer Foundation	
7. Have you filed a charge with any other agency? If so, which agency?	
No	

CONSENT AGREEMENT AND RELEASE	
I have read the provided "Notice to Complainant" and I understand that: 1) In the course of investigating my charge, IDHR will reveal my identity (including my name) and my personal information to named Respondent(s) in my charge to obtain facts and evidence regarding my charge; 2) I do not have to reveal my personal information to IDHR, but IDHR may close my charge if I refuse to reveal information needed to fully investigate my charge; 3) IDHR may be required by law, subpoena, court order, and/or FOIA request to disclose my charge and information in the Department's investigation file concerning my charge to persons outside of IDHR. If IDHR takes a charge based on the information provided, I consent for IDHR to disclose my identity and personal information as necessary to process and investigate my charge, and I release IDHR from any liability whatsoever concerning disclosure of my identity and any personal information I provided to IDHR or IDHR obtained in processing my charge.	
My signature below verifies the accuracy of the information provided herein and my consent and release as indicated above.	
Print Name	Jane Doe
Signature	
Date	
NOTE: If there is certain personal information you would like withheld, please discuss your concern with an Intake supervisor.	



Just Housing Amendment

Cook County recently passed the Just Housing Amendment, which provides for the following:

Requires housing providers to consider an application before inquiring, considering, or requiring disclosure of a criminal record.

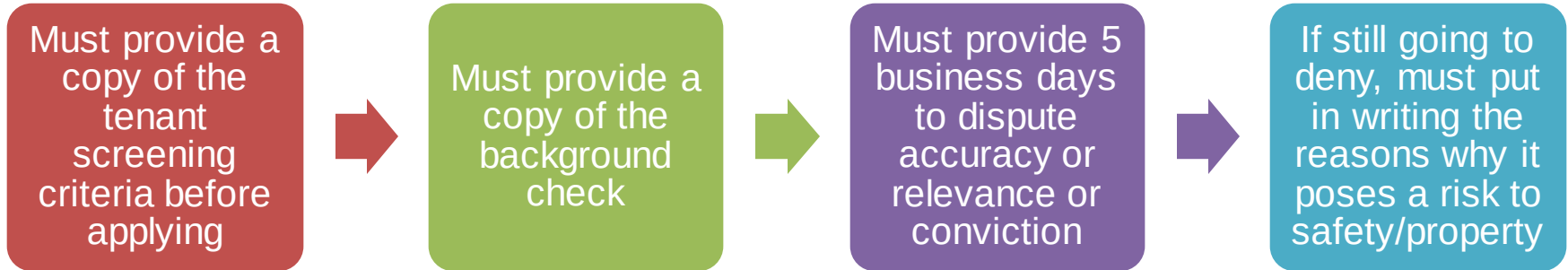
Bans housing discrimination based on records not leading to conviction, juvenile records, or expunged, sealed or pardoned records.

Prevents housing providers from automatically rejecting an applicant based on a conviction and creates a tenant screening process.

Prevents housing providers from considering convictions that are over three years old (except if required to register on SOR).

Provides conviction dispute procedures for an applicant to provide information on accuracy or relevance for convictions under 3 years.

Just Housing Amendment



If a housing provider is going to deny an application for housing for a conviction within the last 3 years, they must follow certain procedures requiring notice and opportunity.

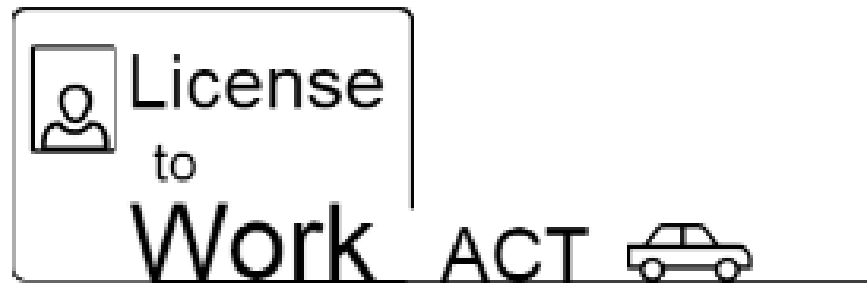
If your rights are violated under the JHA, you should contact the Cook County Commission on Human Rights by **phone** (312-603-1100), **email** (human.rights@cookcountyil.gov) or **in person** (69 W. Washington, Suite 3040).

DRIVER'S LICENSES



Driver's Licenses

Having a valid drivers license is critical to expand employment options. Driving without a valid license can subject you to further criminal consequences.



Starting July 1, 2020, your license can no longer be suspended for failing to pay parking tickets or vehicle compliance tickets (like city sticker tickets, expired meter tickets, license plate registration, etc.) PLUS others.

Driver's Licenses



See handout on L2W Act for the whole list of what can no longer lead to suspension.

The License to Work Act also provides for the reinstatement of driving privileges for those who have already had their license suspended or revoked for any of the reasons listed.

Driver's Licenses

Outside the categories listed within the License to Work Act, there are processes to petition to have your license reinstated when there has been a statutory suspension.

Common statutory suspension reasons include convictions for DUI, vehicular manslaughter, forcible felonies, etc.

Driver's Licenses

There are steps to take to figure out *why* your license is suspended and *how* you can take steps to get it back.

1

Request a consultation with an informal hearing officer at the Secretary of State facility. No appointment necessary!

2

Receive a Hearing Officer Consultation List & Hearing Requirements document at the meeting. This will lay out your next steps!



Driver's Licenses

Generally, these are the factors the Secretary of State will consider when deciding whether to reissue a license....

Whether a person can be a “safe and responsible” driver.

Whether the period of time for suspension has passed.

Whether a person has a pending tickets before any court.

If you are not eligible for reinstatement, you may be eligible to apply for a “Restricted Driving Privileges” (RDP)



Resources for Assistance

Illinois Legal Aid Online
(www.illinoislegalaid.org)

IL Supreme Court Standardized Forms
(<http://www.illinoiscourts.gov/forms/forms.asp>)

Cabrini Green Legal Aid
(www.cgla.net)

Land of Lincoln Legal Aid
(lincolnlegal.org)

Prairie State Legal Services
(www.pslegal.org)

Contact Information

Celia Colón
Community Navigator
celiacolon@gmail.com

Teleza Rodgers
Community Navigator
tlzrodgers@gmail.com

Melissa Hernandez
Community Navigator
mela30angel81@gmail.com

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Kevin.Woods@saferfoundation.org

