



Housing Briefs

Publication of Lawyers' Committee for Better Housing, Inc.

Major Eviction Court Problems Judges Pledge Reform

Lack of adherence to proper legal procedure, such as swearing in of witnesses, and the hurried nature of the hearings were among the findings in *No Time for Justice*, a report on eviction court in the Daley Center jointly released by the Lawyers' Committee for Better Housing and the Chicago-Kent College of Law. The study was based on 763 cases observed by the 2004 Kent Law School Honors Scholars, who in addition to other findings felt that the "lack of respect for the human dignity of tenants" was pervasive in the eviction process for the 36,000 - 40,000 eviction hearings held in the Daley Center every year. In response to this report, Cook County Circuit Court Presiding Judge Timothy Evans is taking positive steps to implement recommended changes.

The study conveyed somestartling facts:

- The average eviction case in the non-jury courtrooms lasted a mere 1 minute and 44 seconds.
- Tenants were without legal representation in nearly 95% of the cases observed.
- Tenants often appeared to not understand either the legal process or how to properly defend themselves, problems which were exacerbated by the brevity of the process.

- Many tenants have appropriate legal defenses, such as landlords' failure to make necessary, requested repairs or to provide heat or water, but are unable to properly articulate their claims in a legal proceeding.

In response to the study, Judge Evans pledged to add an additional courtroom to the five currently devoted to Forcible Entry and Detainer, the official name of eviction court. He is also hosting meetings among Presiding Judge Kenneth Wright, Supervising Judge Sheldon Garber, and members of the Housing Advocacy Consortium (HAC), a group of tenant advocates coordinated by LCBH, to discuss other possible changes and improvements. One topic of discussion is how to better educate both landlords and tenants about the Chicago Residential Landlord and Tenant Ordinance and court procedure in eviction hearings.

Lawyers practicing in eviction court have reported an improvement by the sitting judges in the following of legal procedure, such as more careful checking of notices and summonses and giving tenants an opportunity to present a defense. One continuing concern is that substitute judges often hear eviction cases and do not appear to be well versed in the RLTO or eviction case law.



Executive Director Kathleen Clark, with students Karen Doran and Ryan Liebl, release *No Time for Justice*

LCBH Executive Director Kathy Clark is encouraged by the response of the judiciary. "Working together, rather than in an adversarial manner, we have a chance to make certain this report doesn't just gather dust, but has a long-term, meaningful impact on ensuring fairness and justice for tenants who are faced with losing their homes through eviction."

In addition to working with HAC and the judges, LCBH plans to conduct periodic monitoring of eviction courtrooms to assure that changes are implemented and continue to be the norm rather than the exception in eviction cases.

The Kent Law Schools Honors Scholars were trained by Adrienne Zahner, a former LCBH PILI Fellow from Piper Rudnick, and supervised by Chicago-Kent Law School Dean Harold Krent.

To download a copy of *No Time for Justice*, visit www.lcbh.com/housing_policy.html

Equal Justice Fellow to Fight Housing Discrimination

With a deadline looming, several donors stepped up and helped LCBH raise \$28,000 toward a legal fellowship to fight illegal discrimination in housing. Equal Justice Works of Washington D.C. awarded LCBH the fellowship, contingent on raising one-fourth of the funding for the fellowship.

This funding will allow LCBH to hire a full-time attorney for two years to address issues of discrimination against families with Housing Choice

Vouchers, as recommended in LCBH's 2002 report: *Locked Out: Barriers to Choice for Chicago Housing Voucher Holders*.

The fundraising effort was spearheaded by donations from 30 Jenner and Block attorneys, with a matching grant from the firm. Other donors included the Richard H. Driehaus Foundation, Polk Bros. Foundation, and LaSalle Bank. LCBH Board President Sharon King, with a match

from Sidley Austin Brown & Wood, provided the crucial final donation to put LCBH at the required threshold. Pat Bronte, LCBH Board Member and partner at Jenner & Block, led the solicitation of Jenner attorneys. Additional funds are being sought to offset other costs of the project not covered in the fellowship budget.

Tenants Rights' info at the click of a mouse!

Have you seen the LCBH website?

LCBH policy reports, client advocacy material, and general agency information are available at www.lcbh.org. Our entire Renters' Resource Guide can be downloaded in English or Spanish. The full text of the recent Eviction Court Monitoring Report, widely covered in area newspapers, is on our "What's New" page. If you only knew our legal programs, learn about our new HomeSharing Program. If you know LCBH for its housing policy work, check out our legal services. If you have a friend who wants to volunteer, give them an easy reference to learn more about us!

www.lcbh.org

HomeSharing: an Affordable Option

Joan Blair was at loose ends. As a part-time caregiver with a local social service agency, Joan had been living in the basement bedroom of one of her clients. But the client's family wanted the space back, leaving Joan few options for affordable housing.

Earl and Patricia Martin were also facing a housing dilemma. Having spent several months at a rehabilitation center for various physical ailments, Earl and Patricia knew they would need extra support when they returned home, especially during the night, but the cost of a live-in caregiver was more than they could afford.

That's where the LCBH HomeSharing Program came in. Both Joan and the Martins contacted LCBH in search of a shared living arrangement that could meet their needs. After completing an application and screening process, Joan, Earl and Patricia were introduced as a potential match and met to discuss the possibility of sharing the Martins' co-op unit. It was immediately obvious that this was a great fit. They agreed to enter a HomeSharing agreement in

which Joan provides \$150 each month in rent, along with some moderate help around the house, such as meal preparation and laundry. In exchange, the Martins provide Joan with a private bedroom and access to the rest of the home.

The HomeSharing program is a partnership between LCBH and the Hyde Park chapter of Interfaith Open Communities (IOC). Currently, we offer services to homeowners and homeseekers (people looking for affordable accommodations) in the Hyde Park and Kenwood neighborhoods of Chicago. Homeowners receive help with increasing expenses, or help maintaining their independence. Homeseekers have the opportunity to save money on housing costs. Both may benefit from simple companionship.

If you are interested in HomeSharing or have any questions, please contact Melody Geraci, HomeSharing Coordinator, at the Program phone number: (773) 398-7898, or by email at homesharing@lcbh.org.

Save the Date!

David Wilhelm is slated to be the keynote speaker at LCBH's Annual Reception and Awards Ceremony from 5-7 pm on Tuesday, September 14, 2004. Mark your calendars now for this evening of great food and good company.

Expanding Human Rights

In 2002, LCBH released *Locked Out*, a report that documented the overwhelming amount of discrimination faced by families attempting to utilize housing choice vouchers (formerly called the Section 8 Voucher). This study showed that time after time, families were denied housing simply because of their source of income, never having had a chance to demonstrate their ability to be good tenants. This inequity has driven LCBH's work to make source of income a protected class in Illinois.

The adoption of HB 4439 would amend the Illinois Human Rights Act and make it illegal for a landlord to categorically deny someone housing because of his or her legal source of income. Working in partnership with the Sargent Shriver National Center on Poverty Law, as well as many other advocates and tenants, LCBH has championed the effort to end this form of discrimination.

LCBH has been instrumental in shaping amendments to the legislation to satisfy key players and in mobilizing advocates for those most affected by this discrimination. While the focal point of *Locked Out* and the subsequent conversation around source of income protection has been the housing choice voucher program, this new protection would cover all legal sources of income. Households that rely on the assistance of SSI, SSDI, TANF and other programs to attain self-sufficiency are often penalized in the housing market. Moreover, some landlords are prejudiced against an entire profession, such as farm workers, without any consideration of an individual's ability to be a good, stable tenant. This discrimination has the greatest impact on those that have been historically marginalized in our society – the disabled, the aging, immigrating, and the poor.

Currently, HB4399 is making its way through the Illinois legislature. It has gained the support of both Democrats and Republicans, as well as well over three dozen different organizations from around the state, ranging from the AIDS Foundation of Chicago to the East St. Louis Urban League. All these groups and individuals know this fundamental truth: discrimination, in any form, is wrong and a just society cannot tolerate it. Join your voice to this chorus and help Illinois families have a chance at safe, decent and affordable housing. Go to www.lcbh.org/housingpolicy.html to find out what you can do to help or contact Doug Schenkelberg at dschenkelberg@sbcglobal.net or 312.347.7600, ext. 19.

LCBH Wins Tenant Victory

LCBH staff attorney Steven McKenzie, assisted by pro bono attorney Chad Layton, won a victory for tenants in a three day jury trial in March, 2004. The Lee family had been living in their apartment since October 2001 and had had a cordial relationship with their previous landlord. In March 2003, a new landlord bought the building and hired a new management company. The Lee family made two written requests to have various repairs completed. In response to these repair requests, the landlord and his agent filed an eviction action in June 2003, erroneously claiming that the Lee family had not paid rent for three months.

LCBH appeared on behalf of the Lee family and obtained a \$150 reduction in the monthly rent pending the trial. Even though the landlord could have maintained the original rent by simply making a few

repairs, he refused to do so. On the eve of trial, LCBH discovered that the landlord had been taken to heat court in December and had over a dozen code violation citations. Despite a court requirement that these violations be disclosed, the landlord had failed to turn over these documents to LCBH. The judge admitted evidence of the violations as proof of the landlord's continuing code violations.

After hearing three days worth of evidence, the jury deliberated for over two hours and returned verdicts in favor of the Lee family and a \$1,750 award. The jury found that the landlord had violated the Residential Landlord Tenant Ordinance by retaliating for making repair requests, had violated his duty to maintain the property and make prompt repairs, and had violated the State requirement of habitability.

AOD Program Offers New Volunteer Opportunities

The AOD Program seeks volunteer attorneys to help renters facing eviction. The program has two levels of involvement

- Represent clients in eviction court one morning per month. LCBH will handle the rest of the case.
- Handle an entire case, from first appearance to resolution. LCBH will do an intake, then refer the client to the volunteer attorney, and will provide advice, support, and sample pleadings as necessary.

Interested volunteers should contact AOD program legal assistant Madhu Parija by phone (312-347-7600 ext. 17) by e-mail aodprogram@lcbh.org.

The AOD Program provides pro-bono representation to low-income tenants facing eviction in Chicago. Thanks to the hard work of our staff and volunteer attorneys, we provide representation to over 350 tenant families each year. However, with over 40,000 eviction cases heard annually in the Daley Center alone, the need is much greater. Come volunteer!

2004 AOD trainings scheduled:

All licensed attorneys are invited to join the AOD Program. LCBH asks that new participants attend a 90-minute program introduction and training class, which covers the RLTO, eviction court proceedings, and the AOD program.

Where: LCBH, 220 S. State St., Suite 1700

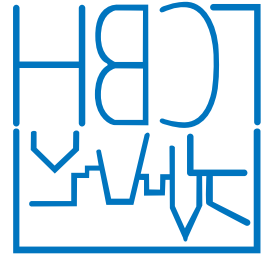
When: first Wednesday of every month, 12-1:30 PM. (The dates may vary slightly – please call ahead!)

July 7, August 4, Sept. 1, October 6, November 3, December 1.

RSVP: Madhu Parija, AOD Program Assistant, 312-347-7600 ext. 17 or aodprogram@lcbh.org

Food: Bring a brown-bag lunch; we provide chips, soda and coffee.

LCBH believes that all persons have a right to safe, decent, and affordable housing on a non-discriminatory basis. To that end, LCBH promotes the availability of and access to such housing and supports low and moderate-income households in Metropolitan Chicago through legal representation, individual and public advocacy, supportive services, education, and innovative programming.



Lawyers' Committee
for Better Housing, Inc.
220 State St.
Suite 1700
Chicago, IL 60604

Volunteers needed!

Law students, paralegals, pre-law students and others are needed to volunteer in the legal, client intake, and reception areas of LCBH. It's the perfect opportunity to gain experience in a law office while supporting a good cause. LCBH attorneys will work with people with a legal background to ensure that they maximize their learning experience in assisting with pleadings, discoveries, and legal research and writing.

Attorneys who desire more in-depth involvement than court representation are sought to assist with jury trials and appeals. All interested volunteers should contact Madhu Parija at 312-347-7600 ext. 17 or aodprogram@lcbh.org

Support LCBH!

The bottom line on LCBH:

LCBH's services are essential for helping low-income families avoid homelessness. Helping a family restore heat in February, getting a family more time to move, forcing a slumlord to repair a building, helping families apply for Homeless Prevention Funds to pay the rent in an emergency, urging legislators to improve tenants' rights.....these LCBH activities help keep a roof over our clients' heads.

Although services are free to clients, representation is not cheap:

Pro-bono representation in eviction court.....\$700+ per case

Affordable Housing Preservation building-wide intervention on utility shut-off, landlord negotiation, and other vital services.....\$270 per unit

Our work is only possible thanks to the commitment of our generous donors. As the weather warms up this spring, think about your housing situation over the winter...functioning utilities, solid roof, heat....and consider making a donation to help families fighting for these basic needs.

You can donate on-line at www.justgive.org or at www.lcbh.org. Or, use the enclosed envelope.