



Spring/Summer 2011

# housing briefs

Publication of  
Lawyers' Committee  
for Better Housing

## LCBH Releases Its New Report on the Impact of Foreclosure on Tenants



Mark Swartz and Patricia Fron

LCBH's Tenants in Foreclosure Intervention Project released its 2010 Report entitled "Banks Avoid Foreclosure Laws, Uproot Renters: A Call for Enforcement of Tenant Protections." This is the second annual report of the project and outlines the Community Areas at risk of destabilization due to the number and percentage of rental units either in foreclosure, or bank- or investor-owned. The Report also examines the widespread violations of tenants' rights that have come to LCBH's attention through direct work with Chicago tenants.

Specific Report findings include:

- In 2010, 5,904 Apartment Buildings went into foreclosure within the City; these properties contain approximately 17,467 units;
- In the two-year period of 2009 and 2010, 12,334 Chicago Apartment Buildings went into foreclosure affecting approximately 37,726 units; the number of units in foreclosure over the past two years is greater than all housing units in Austin, one of the largest Community Areas in Chicago;
- The same Community Areas most impacted by foreclosure in 2009 were again inundated with high rates of Apartment Building foreclosure filings in 2010. This compounded burden is expected to encumber the community resources of these areas, leading to a loss of available rental housing and to further disinvestment;
- The Community Areas with at least 10% of their available rental units impacted by foreclosure from January of 2009 through December of 2010 are almost entirely situated on the south and west sides of Chicago, forming a virtual "foreclosure belt" across the City;
- Community Areas that are predominantly African American and Hispanic/Latino face greater risks to rental housing stability: 16 of the 25 Community Areas with the greatest risk to rental housing stability are composed of populations that are more than 95% minority.

The issues raised in the report have been discussed on NPR and it has been featured in the Chicago Tribune, Progressive Illinois, and the Regional Home Ownership Preservation Initiative online newsletter.

To view the report in its entirety please visit [www.lcbh.org](http://www.lcbh.org)

## Gerard O'Toole, Employee of the Quarter

With a B.A. in Communication Studies from Loyola University, and a J.D. from the John Marshall Law School, Gerard O'Toole served as a volunteer attorney in the Attorney of the Day Eviction Defense Program and was hired as Director of the AOD Program in 2004. With a background in general practice (including real estate litigation and eviction defense), and being a lifelong Chicago tenant, Gerard is passionate about confronting the issues that face tenants on a daily basis.



Through his hard work and dedication to the mission of LCBH and mentoring our volunteers, Gerard has been able to do great things for our clients.. For these reasons, Gerard was honored by vote of the staff as the Employee of the Quarter for the first quarter of 2011. He has our appreciation and gratitude for all that he has done at LCBH.

**SAVE THE DATE: LCBH ANNUAL RECEPTION AND AWARDS CEREMONY**

**September 22, 2011 from 5:30 - 7:30 p.m.**

**Sidley Austin, 1 South Dearborn, Chicago Illinois 60603**

## RENTERS TIP:

### Safe Homes Act Protects Victims of Domestic Violence

The Safe Homes Act was passed in 2006 to aid in the reduction of domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence and their families to flee violent or abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences resulting from such violence.

The Act provides victims the opportunity to both terminate their rental lease early and move out of an unsafe environment, or to change locks to keep their home safe. When the law is used properly, tenants will not be liable for rent after they leave the unit. If a victim needs to break the lease, the tenant must show a credible imminent threat of harm on the premises. Once shown, the victim can break the lease even if the abuser is a member of the household, simply by giving the landlord a written notice regarding the imminent threat within three days before or after they leave the unit.

Victims may also have their locks changed if there is a credible imminent threat of domestic or sexual violence on the premises. If the abuser is on the written lease, then the tenant must submit a written request, signed by all tenants on the lease (except the abuser), and include valid evidence like a police report, court record, medical record or a statement from a victim services organization. If the tenant meets the criteria, the landlord is obligated to change the locks or allow the tenants to change the locks within 48 hours of receiving the written request. If the landlord does not change the locks within 48 hours, the tenant has the right to change them without permission.

The Act also prevents landlords from disclosing a tenant's information to any future landlords. This means that a landlord cannot tell a subsequent landlord about any medical records, police orders, court documents, or victim services documents. The landlord also cannot reveal that rights were exercised under the Safe Homes Act. Disclosure may result in damages awarded up to \$2,000.

The Safe Homes Act is an Illinois state law protecting tenants in the private rental market or in subsidized housing including those with housing choice vouchers. For tenants living in public housing there are federal protections under VAWA for victims of domestic violence, dating violence and stalking.

## New Staff

**Mark Bonham** is LCBH's Financial Manager. He helps manage the day-to-day financial operations of the organization. Mark received his MS in Accountancy from DePaul University and is currently in their Masters of Taxation program. He has a wealth of payroll, bookkeeping, and accounting experience and is working on CPA certification.

**Victoria Ogunsanya** is our newest attorney in the Affordable Housing Preservation Program after being selected as LCBH's 2011 Edwin J. Brach and Bertram Brodie Fellow. Victoria is a 2009 graduate of the University of Chicago Law School and received a Bachelor's degree in Business Administration with a concentration in Entrepreneurship and a minor in Political Science. Victoria was also LCBH's 2010 Volunteer of the Year.

**André Lodrée**, Office and Personnel Manager, is welcomed as our newest LCBH staff member. André has spent the past three years employed at Executive Services Corps of Chicago as the Finance & Information Technology Coordinator. He graduated from Dominican University with a degree in Theology. He is married with two wonderful children & strives to be the change he wants to see in the world.

## Volunteer Spotlight

**Alexander Michael** is a 2010 graduate of John Marshall Law School. While seeking employment, Alex volunteered at LCBH for several months working forty or more hours a week. He exhaustively defended many tenants and at the same time honed his litigation skills. Recently, Alex experienced gratifying success in arguing temporary restraining orders before the court. He made a great difference in the lives of many clients, including Ruby.

Ruby has lived in her home since 2005. In the fall of 2010 the bank took possession of her building through a foreclosure sale. She was not alerted to the foreclosure action until a realtor offered her a cash-for-keys deal in early October of 2010. These deals typically offer tenants financial incentives in return for their quick evacuation of the building. But Ruby's severe medical conditions would not allow for her to quickly leave her home. After Alex counseled her about her rights as a tenant during foreclosure including her right to refuse such offers, she turned down the cash for keys deal.

Shortly before the bank took possession of the property, the furnace in Ruby's building was disabled due to a possible carbon monoxide leak and was never repaired by the former landlord or subsequently by the bank. Under the Chicago Residential Landlord Tenant Ordinance (RLTO), the successor landlord (in this, case the bank) is required to address building maintenance issues, as would any landlord. Ruby attempted to alert the bank and their attorneys of this serious safety hazard, but they claimed that it was not their responsibility to address building-related issues. Once the frigid weather of winter developed, Ruby's situation became much more urgent, and she made several attempts to alert the bank and the city to the lack of heat and hot water. Throughout the winter Ruby was forced to heat her unit with electric heaters. This created dangerous living conditions and drastically increased her electric bill. This situation severely aggravated her fragile health, and she became weaker as the winter months passed.

After numerous attempts to have these issues addressed, the city filed a case against the bank. Although this resulted in a fine for the bank, thus acknowledging their responsibility to maintain the property, Ruby's heat and hot water were not restored. Alex prepared a Temporary Restraining Order to ensure she would receive the essential services to which she was entitled. The court granted the injunction and ordered the bank to restore heat and hot water. This victory for Ruby is just one example of the hard work and determination that Alex displayed on a daily basis at LCBH. We truly appreciate his efforts on behalf of his LCBH clients and congratulate him on securing a full-time position with a law firm.

## Spring 2011 In-House Interns and Volunteers

Nakea Anderson—AOD

JD from Thomas M. Cooley Law School

Savannah Clement—TFIP

The John Marshall Law School

Kristen Coates—AOD

JD from University of Virginia Law School

Nader Faraj—Paralegal, Roosevelt University

Aileen Flanagan—TAP

JD from Loyola University

Catherine Ifurung—Social Services

University of Illinois—Chicago

Lauren Johnson—Social Services

University of Chicago

Si Hyun Kim—TFIP, TAP, AHPP

University of Chicago Law School

John Lynn—Paralegal, Roosevelt University

Abra Lyons-Warren—Social Services

University of Chicago

Sarah Mazzone—TFIP, TAP, AHPP

DePaul College of Law

Eliana Mendoza—Paralegal

Robert Morris University

Shelly Miller—TAP, Retired Attorney, Adjunct

Professor at John Marshall Law School

Alex Michael—AOD

JD from John Marshall Law School

Bob Negele—TAP, DePaul College of Law

Laura Ramsey—TAP

University of Minnesota Law School

Pamela Spann—AOD

JD from DePaul College of Law

Andrew Strozinsky—Development

DePaul University

Serena Watson—TFIP, TAP, AHPP

JD from Barry University

Melissa Winecki—Paralegal, Wright College

Tyree Wright—AOD

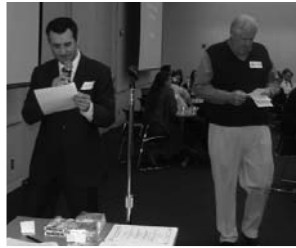
JD from DePaul College of Law

Renee Williams—Intake, Legal Services

University of Chicago Law School

Collectively, these talented attorneys, students, and paralegals contributed more than 2,000 hours working on behalf of LCBH clients.

THANK YOU FOR YOUR HARD WORK AND COMMITMENT TO OUR MISSION!



## Hearts for Housing 2011

Kirkland & Ellis hosted our 6th annual Hearts for Housing tournament in February, and it was a great success! Kirkland provided a great space with a beautiful view of the city and plentiful food and drinks. With raffle prizes such as Blackhawks playoff tickets, Cubs tickets, Wolves box seats and many other offerings from great Chicago businesses and restaurants, winning ticket holders were ecstatic. Everyone's efforts raised \$30,000 for LCBH programs. Heartfelt thanks to Co-chairs Claire Battle and Louis DiSanto and to the Young Professionals Board for their tireless work on the event. Keith Reifel, who is our Hearts expert, is our "ace in the hole" and keeps the program going every year!

TOP: Co-Chair Louis DiSanto and Hearts Official Keith Riefler

MIDDLE: Board members Greg Furda (left) and Todd Maynes (right) with Cheryl Lawrence, LCBH Development Director

BOTTOM: A crowded room having fun playing Hearts! Hope to see you next year!

## LCBH Welcomes Two New Board Members



Board President, Tony Hopp, Newest Board Member, Vince Gnoffo and Kathy Clark, Executive Director

LCBH welcomes Jane Park, Assistant General Counsel at the Exelon Corporation. Jane Park supervises outside counsel and represents Exelon and its subsidiaries in complex commercial litigation and other matters. Jane graduated from Harvard Law School, cum laude.

LCBH's newest Board member, is Vince Gnoffo. Vince is, Chair of the Pro Bono Committee and a partner at Brinks Hofer Gilson & Lione where he focuses on intellectual property prosecution. Vince is also an adjunct professor at Chicago-Kent College of Law. He graduated from John Marshall Law School where he was staff editor of The John Marshall Law Review.

## Interested in becoming an LCBH Volunteer?

There are many types of volunteer opportunities at LCBH!

- Attorneys may volunteer one morning each month in eviction court or take on a full case.
- Law, social service, paralegal and communications students may volunteer
- Office support volunteers welcome too!

For more information on volunteer opportunities contact LCBH Pro Bono Coordinator: Keri Lindsay, [klindsay@lcbh.org](mailto:klindsay@lcbh.org)

## Results of Anonymous Challenge Grant.

Last fall LCBH was given an opportunity, with a challenge grant, to match new funds raised up to \$20,000. We are very happy to report that new donors and foundations stepped up to help us meet the challenge this spring!

Thank you to all our wonderful donors who helped us achieve this goal.

**If you would like to support the services that LCBH provides to help those in crisis, please visit [www.lcbh.org](http://www.lcbh.org)**



## Lawyers' Committee for Better Housing

100 West Monroe  
Suite 1800  
Chicago, IL 60603

**2010 Annual Report  
Enclosed**

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## Serving Chicago Tenants for 30 Years

### Law Allowing Tenants to Have Records of Eviction Filing Sealed is Expanded Beyond Foreclosure Cases

Many tenants unknowingly are denied rental housing because of strikes against them because of a prior eviction filing. A mere filing of an eviction by a landlord with the court regardless of the outcome in court has significant ramifications for tenants trying to move to new rental housing. Now, thanks to an amendment to the Illinois Forcible Entry and Detainer Act, 735 ILCS 5/9 121 (b) tenants who have had improper evictions filed against them, can have the records pertaining to that filing sealed, preventing the disclosure of erroneous information to future potential landlords. This is a discretionary law so a motion to seal must be filed and presented to the court. There is also a similar law pertaining to tenants who, but for a foreclosure of the property, had a legal tenancy to the unit. In this case, the sealing is mandatory and should be ordered during the court proceeding.



John Paul with Interns, Lauren Johnson and Abra Lyons-Warren

*Interning at LCBH has given me a greater understanding of housing issues affecting low-income tenants in Chicago. While I had some case management experience prior to working with LCBH's supportive services, I now have a more complete picture of the barriers tenants face, such as legal proceedings. It has been helpful to integrate social work theories with my cases at LCBH and I have also enjoyed examining—through LCBH's work and my academic focus—policies that affect tenants on the macro level.*

- Abra Lyons-Warren

**One day our Supportive Services team was working with a client to find a new apartment and asked him where he wanted to live and he replied,**

*“Somewhere where I don't hear gunshots everyday.”*