

HOUSING DISCRIMINATION COMPLAINT

CASE NUMBERS:

(Title VIII)

I. Introduction and Summary of the Alleged Violation

In this complaint, HOPE Fair Housing Center challenges Oak Park Apartments' no-evictions policy. This policy functions as a blanket ban that deters applications from and denies housing to prospective tenants with any kind of eviction history, irrespective of the outcome of an eviction filing and whether any eviction judgment actually resulted, when an eviction filing occurred, the reason for the filing, or any subsequent changes in circumstances or other relevant information. Through this policy, Oak Park Apartments disproportionately denies and otherwise makes unavailable rental housing opportunities to Black renters, and to Black women especially. As one of the largest landlords of multifamily rental properties in Oak Park, Illinois, Oak Park Apartments' no-evictions policy reinforces and contributes to racial segregation in the community.

These discriminatory effects cannot be justified. Categorically excluding tenants with any kind of eviction history is not necessary for Oak Park Apartments to achieve any substantial, legitimate purpose. Additionally, Oak Park Apartments has ample other available methods for screening rental applicants at least as effective in minimizing the risk of unsuccessful tenancies while having less of a discriminatory effect. HUD should therefore swiftly investigate this matter and take appropriate remedial action under 42 U.S.C. § 3610.

a. Complainant:

Complainant HOPE Fair Housing Center ("HOPE") is a non-profit, fair housing organization dedicated to eradicating housing discrimination and residential segregation. HOPE accomplishes this through education, outreach, enforcement, training, and advocacy. Founded in 1968, around the same time as the passage of the Fair Housing Act, it is one of the country's oldest fair housing organizations. HOPE is based in Wheaton, Illinois. It serves portions of Cook County, Illinois, including Oak Park, 30 counties in northern and north-central Illinois, and several counties throughout central and southern Illinois. It has a long history of bringing groundbreaking civil rights cases in new and novel areas, including challenging local government crime-free housing programs and nuisance property ordinances, and the failure to maintain Real Estate Owned properties in majority Black and Latinx neighborhoods at the same level as in white neighborhoods.¹ HOPE has also been active in challenging admission screening policies, including suing Eden Supportive Living and the State of Illinois for a policy of denying

¹ *HOPE Fair Hous. Ctr. v. City of Peoria*, No. 17-cv-01360, 2018 WL 10246029 (C.D. Ill. May 14, 2018); *Nat'l Fair Hous. All. v. Fed. Nat'l Mortg. Assoc.*, No. 16-cv-06969 (N.D. Cal. Dec. 5, 2016); *HOPE Fair Housing Center, Open Communities, South Suburban Housing Center, and Other Fair Housing Groups Reach Historic Settlement with Fannie Mae Focused on Rebuilding Communities of Color* (Feb. 7, 2022), <https://hopefair.org/wp-content/uploads/2022/02/Chicago-Metro-Fannie-Mae-Press-Release-Final-w.-Signed-Linked.pdf>.

people with mental illness admission to supportive living facilities² and suing a private property management company for arrest and conviction ban policies in admissions.³

Oak Park, Illinois, is a Chicago suburb neighboring the city's predominately Black West Side. Because Oak Park is a part of HOPE's service area, the community has regularly employed HOPE to address discrimination in its rental market. As a result, HOPE has done previous testing of the rental housing market in Oak Park on behalf of the Village of Oak Park and a local foundation. From 2012-2014, HOPE conducted matched-pair rental test investigations for race and disability discrimination and provided the Village with a report on its findings and recommendations. In 2017 HOPE conducted a similar matched-pair investigation for the Village looking into issues of race-based and/or Source of Income discrimination. From 2019 to 2020, HOPE, with support from the Oak Park River Forest Community Foundation, investigated complaints of discrimination from Oak Park residents, participated in education and outreach activities to increase fair housing knowledge in Oak Park, conducted matched-pair testing for race, disability, and source of income discrimination, and supported residents seeking reasonable accommodations. The Village of Oak Park also refers complaints of housing discrimination to HOPE. Families seeking to live in Oak Park also regularly contact HOPE for services.

Contact through undersigned counsel.

b. Other Aggrieved Persons:

Residents of Oak Park who wish to live in a more integrated community, as well as people living both in and outside of Oak Park who have been denied rental housing by Oak Park Apartments as a result of Oak Park Apartments' no-evictions policy, which discriminates against them on the basis of race, as well as race and sex, with particular harm to Black women.

c. The Following is Alleged to Have Occurred or is About to Occur:

Oak Park Apartments has a policy and practice of deterring and denying housing to prospective tenants with any kind of eviction history. This policy and practice discriminates on the basis of race, as well as race and sex, and disproportionately harms Black women in their search for rental housing in the integrated, well-resourced, and predominately white community of Oak Park, thus artificially limiting the housing opportunities available to them and increasing the likelihood of living in racially segregated, lower-resourced communities. This policy and practice also creates, increases, reinforces, or perpetuates racial segregation in Oak Park.

² *H.O.P.E., Inc. v. Eden Mgmt.*, No. 13-cv-7391 (N.D. Ill. Oct. 15, 2013); Jonathan Bilyk, *Supportive Living Center, State Sued for Discrimination Over "No Mental Illness" Policy*, COOK COUNTY RECORD (Oct. 17, 2013), <https://cookcountyrecord.com/stories/510576912-newsinator-supportive-living-center-state-sued-for-discrimination-over-no-mental-illness-policy>.

³ *H.O.P.E., Inc. v. B & A Associates*, No. 22-cv-874 (N.D. Ill. Feb. 17, 2022); *New Lawsuit Challenges Suburban Property Manager for Using Blanket Ban to Violate Civil Rights*, HOPE FAIR HOUSING CENTER (Feb. 17, 2022), https://hopefair.org/wp-content/uploads/2022/02/HOPE_Johnson-Press-Release-2022.02.17.pdf.

d. Respondent:

Oak Park Apartments
35 Chicago Ave.
Oak Park, IL 60302
Bill Planek, Owner
www.oakparkapartments.com

e. The Most Recent Date on Which the Alleged Discrimination Occurred:

July 21, 2022, but Oak Park Apartments' actions also constitute a continuing violation under the Fair Housing Act, because the no-evictions policy continues to present day.

f. The Acts Alleged in this Complaint, if proven, May Constitute Violations of These Acts:

Fair Housing Act.

g. Summary of the Alleged Violation & Systemic Nature of the Complaint:

As set forth further below, Complainant alleges the following:

- Summary of the alleged violation

Oak Park Apartments maintains a no-evictions screening policy at admissions (“no-evictions policy”) that has the effect of unlawfully denying and otherwise making unavailable housing on the basis of race, as well as race and sex, because it causes an unjustified disparate impact in violation of the Fair Housing Act. The no-evictions policy harms predominantly Black women in particular in their search for rental housing in integrated and predominately white neighborhoods, such as Oak Park, making it more likely that they are forced to live in racially segregated, lower-resourced communities. This policy and practice also creates, increases, reinforces, or perpetuates racial segregation in Oak Park.

- Summary of the systemic nature of the complaint

HOPE believes that this is the first ever Fair Housing Act complaint to HUD's Office of Fair Housing and Equal Opportunity brought to challenge a property owner's no-evictions policy at screening for admission. However, such no-evictions policies are all too common, if not standard operating procedures for most rental property owners and property management companies around the country. This is despite the fact that HUD and other federal agencies have increasingly raised red flags about evictions screening, including its unjustified disparate impact.

The complaint is systemic in nature because Oak Park Apartments is a large property owner with over 90 multi-family apartment buildings that has enforced a no-evictions policy for at least one year to the present, which has caused and continues to cause a pattern and practice of denying housing and otherwise making housing unavailable to Black renters and in particular

Black women. This policy and practice has created, increased, reinforced, or perpetuated racial segregation in Oak Park, and continues to do so. This complaint is particularly important now as eviction filings have been on the rise since the end of federal, state, and local COVID moratoriums.⁴ As detailed below, because this complaint raises systemic allegations and novel issues of fact and law under the Fair Housing Act, Complainant requests that HUD retain jurisdiction and conduct the investigation.

II. Specific Allegations

A. Oak Park Apartments has a “no-evictions policy” for applicant screening.

1. Oak Park Apartments’ Policy

Oak Park Apartments maintains a public-facing website that includes a page entitled “Application Process & Requirements.”⁵ One of the application requirements listed on that page states: “You cannot have a bankruptcy, judgment, **eviction**, foreclosure, history of late rent payments or short sale” (emphasis added). The policy makes clear that “all occupants over the age of 18 must meet” the application requirements and that Oak Park Apartments will only show available units to prospective tenants who meet “all” of the admission criteria.

Oak Park Apartments implements this policy in numerous ways that both deter potential tenants with past evictions from submitting applications, and detect and deny applicants who disclose past eviction matters or who are matched to eviction records, including:

- Stating the “no eviction” policy on the website and making clear by context and surrounding statements that if any adult member of an applicant household is found to have a prior eviction, the application will not be approved;
- Offering an on-line application through its website, and warning users not to apply unless they “can meet all of the qualifications”, with links to the “application requirements” page urging applicants to review the criteria before applying;
- Requiring applicants to provide names and contact information for past housing providers (i.e., “Name and phone number or other contact information of landlord, management company, leasing agent, etc.”), with the purpose or effect of automatically denying applicants with past evictions, even when the records have been sealed or otherwise made unavailable to the public;
- Purchasing third-party background screening reports that search for records of past eviction lawsuits against rental applicants and report such records (or the fact that an applicant does not qualify) to Oak Park Apartments, which may include records that have been judicially sealed;
- Requiring all adult household members to complete the rental application and submit to the third-party background screening;

⁴ Alex Fitzpatrick & Kavya Beheraj, *Evictions Have Returned to – or Exceeded – Pre-pandemic Levels*, AXIOS (Mar. 16, 2023), <https://www.axios.com/2023/03/16/evictions-crisis>.

⁵ *Application Process & Requirements*, OAK PARK APARTMENTS, <https://www.oakparkapartments.com/about-us/application-requirements/> (last visited Jul. 11, 2023).

- Charging a nonrefundable rental application fee of \$50 per adult household member; and
- Denying all applicants who are found to have been involved in prior eviction matters, either through Oak Park Apartments' own investigation or because applicants are matched to eviction records by third-party background checks.

Oak Park Apartments does not include any definition for the term “eviction” or otherwise explain what specific eviction records or history would result in a denial of admission anywhere on its website. The use of such broad and undefined language tends to maximize the deterrent effect of the policy on prospective applicants. While it will certainly deter potential applicants against whom eviction judgments were entered from applying, it will also likely deter potential applicants who have been sued for eviction but won or settled their cases, applicants with sealed eviction records, applicants with eviction records beyond the permissible time period for reporting under the Fair Credit Reporting Act, or applicants who moved out after receiving lease termination notices (but who were never judicially sued).

Oak Park Apartments' website does not reflect any opportunity to present mitigating information, evidence of changed circumstances, or otherwise seek individualized review of an application rejected because of a prior eviction. HOPE conducted testing of Oak Park Apartments which confirmed that no opportunity is provided to offer mitigating information, evidence of changed circumstances, or otherwise seek individualized review of an application rejected because of the no-evictions policy.

2. HOPE's Testing of Oak Park Apartments' Policy

In the summer of 2022, HOPE began conducting a testing investigation in Oak Park of rental property owners and their eviction screening policies. The testing of Oak Park Apartments included five test parts that were completed between June 14, 2022 and July 21, 2022 and a website review of its eviction screening policies. The units tested were listed as available on Oak Park Apartments' website.

The testing for Oak Park Apartments included two matched-pair tests utilizing Black female testers. Each pair had one tester with a past eviction filing and the other without any past eviction filing. A final test utilized a white female tester with a past eviction filing.

The first matched-pair of Black female testers contacted Oak Park Apartments to inquire about a one-bedroom apartment advertised as available located at 638-42 W. Harrison St. in Oak Park. The Black female tester with a past eviction filing told the Oak Park Apartments employee that they had an eviction filing. The employee made clear that the eviction filing would disqualify the tester for the unit, especially if it showed up on a credit report. The tester shared that the filing was due to confusion about rental assistance and no judgment was entered. The employee stated again that she would still not qualify. HOPE then had a Black female tester without an eviction filing call Oak Park Apartments. The employee asked the tester if she had a rental history, to which she responded that she had a good rental history. Because this tester purported to not have an eviction filing, the employee offered to set up a tour of the property.

The second matched-pair Black female testers then contacted Oak Park Apartments to inquire about a one-bedroom apartment advertised as available, located at 24-32 Washington Blvd. in Oak Park. The Black female tester who had a prior eviction filing spoke with an Oak Park Apartments employee. The tester asked the employee if she would be allowed to apply because she had an eviction filing, even though there was no judgment against her. The employee responded that their screening services pull a hard inquiry and if they see an eviction filing they will not process the application. HOPE then had a Black female tester without a prior eviction filing call to speak with an Oak Park Apartments employee. The employee told the tester that her credit score must be above 600 with no bankruptcies, evictions, or bank foreclosures on her credit. The tester was offered the chance to set up an appointment to view the apartment.

HOPE then began testing with a white female tester with a prior eviction filing. A white female tester contacted Oak Park Apartments to inquire about a one-bedroom apartment listed as available, located at 418 Lake St. in Oak Park and spoke with an Oak Park Apartments employee. The white female tester said she was wondering if they would let her apply because she had an eviction filing for late payment of rent in 2019. The employee replied that evictions automatically disqualify prospective renters. When the tester further clarified that it was just a filing and not a judgment, the employee responded that it would depend on what shows up on her credit and background checks, and added that if late payments showed up on her credit report she would be automatically disqualified from applying.

B. Oak Park Apartments’ no-evictions policy is a common policy within the property owner community nationwide.

Oak Park Apartments’ no-evictions policy is just one example of a problematic practice that has proliferated among rental property owners. There is ample documentation that these policies, and their harmful impacts, are all too common nationwide.

Numerous studies, news reports, and advocate and tenant stories document just how typical a no-evictions policy is within the rental property owner community nationally. Often referred to as the “Scarlet ‘E,’” a history of eviction has effectively become a life sentence diminishing housing opportunities.⁶ For many landlords, a prior eviction will either be a complete bar to accepting a rental housing application or the rationale for charging a higher security deposit.⁷ Even an eviction that is more than 7 years old (or longer) can be enough for a landlord to move on to the next application.⁸ Changed circumstances, such as new employment,

⁶ Kaelyn Forde, ‘Scarlet E’: An Eviction in the US Can Become a Life Sentence, AL JAZEERA (Aug. 12, 2020), <https://www.aljazeera.com/economy/2020/8/21/scarlet-e-an-eviction-in-the-us-can-become-a-life-sentence>; Nushrat Rahman, *Evictions Make it Harder for Michigan Families to Find Safe, Affordable Housing*, DETROIT FREE PRESS (Apr. 6, 2022), <https://www.freep.com/story/news/local/michigan/2022/04/06/michigan-eviction-records-seal-bill/9438578002/>.

⁷ Kathryn A. Sabbeth, *Erasing the “Scarlet E” of Eviction Records*, THE APPEAL (Apr. 12, 2021), <https://theappeal.org/the-lab/report/erasing-the-scarlet-e-of-eviction-records/>.

⁸ Matthew Goldstein, *The Stigma of a Scarlet E*, NEW YORK TIMES (Aug. 9, 2021), <https://www.nytimes.com/2021/08/09/business/eviction-stigma-scarlet-e.html> (“Felisha Nelson said she had trouble finding an apartment in Omaha this year because of a seven-year-old eviction case that showed up on her

increased pay, and greater job security often do little to overcome the Scarlet E.⁹ No-evictions polices are not limited to any one or a handful of states; reports regarding the harms that result from having a prior eviction abound from around the country.¹⁰

Numerous studies also confirm the permanence of the Scarlet E. For example, one study in Massachusetts revealed that tenants with eviction records were repeatedly rejected by owners, lost their housing vouchers or were even homeless when they could not find willing owners, and were denied housing because of inaccurate information on state court eviction records or due to eviction filings alone.¹¹ A Twin Cities study identified several Minnesota landlords with policies to reject applicants with a prior eviction on their record within 5 years, 10 years, or even indefinitely.¹² The Fair Housing Center of Central Indiana issued the latest study on the impact on renters of admissions screening, including eviction screening.¹³ In its report, the Fair Housing Center found that “Black, female renters, and families with children are acutely affected by eviction filings, especially in Marion County where the overall eviction rate is nearly 50 percent higher than the national rate.”¹⁴ Because there are few tenant protections available, renters are especially vulnerable and have few legal resources to fight eviction cases filed against them. Despite this, the Fair Housing Center found that tenant screening services do not distinguish between eviction filings and actual eviction orders, and some local housing providers explicitly reject tenants based on filings alone.¹⁵

Research has also documented that these sorts of no-evictions policies are prevalent throughout Cook County. A 2018 report which collected information from legal aid attorneys, landlords, and tenants in Cook County concluded that many landlords refused to rent to someone with any eviction filing on their record, regardless of the context or outcome of the case.¹⁶ A Chicago Sun-Times article from early in the COVID pandemic noted that landlords informally threaten tenants with eviction hoping they will simply move because of concerns about how an eviction filing might affect their ability to obtain housing in the future.¹⁷

background check. After more than two months of searching, she found a landlord willing to rent to her — but only after she laid out a security deposit that was larger than normal.”)

⁹ *The Scarlet E: Eviction*, REINVENTING HOME, <https://reinventinghome.org/the-scarlet-e-eviction/> (last visited Jul. 11, 2023) (“A security guard in Richmond, VA, Jeffrey tells how his family’s brush with eviction has branded them with the ‘Scarlet E’ and made it impossible to find another rental, despite new employment, better pay, and a steady cash flow.”); On the Media, *The Scarlet E*, WNYC STUDIOS (June 6, 2019), <https://www.wnycstudios.org/podcasts/otm/articles/scarlet-e-unmasking-americas-eviction-crisis>.

¹⁰ See, e.g., Rahman, *supra* note 6; Sabbeth, *supra* note 7; Reinventing Home, *supra* note 9.

¹¹ MASSACHUSETTS LAW REFORM INSTITUTE, EVICTED FOR LIFE: HOW EVICTION COURT RECORDS ARE CREATING A NEW BARRIER TO HOUSING 6 (2019), https://mlri.org/wp-content/uploads/2019/06/evicted_for_life_mlri.pdf.

¹² FAMILY HOUSING FUND & HOUSING JUSTICE CENTER, OPENING THE DOOR: TENANT SCREENING AND SELECTION 10 (2021), https://www.fhfund.org/wp-content/uploads/2021/04/FHFHJC_Open-the-Door_TenantScrReport_final.pdf.

¹³ FAIR HOUSING CENTER OF CENTRAL INDIANA, THE STATE OF FAIR HOUSING IN INDIANA REPORT (2023) <https://www.fhcci.org/wp-content/uploads/2023/05/Tenant-Screening-Report-FINAL.pdf>.

¹⁴ *Id.* at 3.

¹⁵ *Id.*

¹⁶ HOUSING ACTION ILLINOIS & LAWYERS’ COMMITTEE FOR BETTER HOUSING, PREJUDGED: THE STIGMA OF EVICTION RECORDS 3 (2018), <https://lcbh.org/wp-content/uploads/2022/10/Prejudged-Eviction-Report-2018.pdf>.

¹⁷ Stephanie Zimmerman, *Despite Coronavirus Eviction Ban, Some Chicago Landlords are Locking out Tenants*, CHICAGO SUN-TIMES (June 21, 2020), <https://chicago.suntimes.com/2020/6/19/21296312/evictions-eviction-moratorium-chicago-coronavirus-metropolitan-tenants-organization>.

Because of their nationwide proliferation, no-evictions policies have come to the attention of the U.S. government, which has recently been sounding the alarm about the harms such policies can cause. For example, in 2021 HUD noted that “[e]ven when households do not have an eviction judgment against them or are not removed from their homes, a record of eviction filings creates a negative rental history that makes landlords less willing to rent to them. Eviction increases the risk of relocating to a neighborhood with worse social conditions, worsening historic patterns of racial segregation.”¹⁸ Likewise, the Consumer Financial Protection Bureau recently stated that “the experiences of most applicants who encountered [issues with inaccurate or misleading information about evictions in background report] indicate that the presence of eviction records – regardless of their accuracy or outcome – has a high likelihood of leading to outright denials of rental housing.”¹⁹ Just this past May, the Federal Trade Commission and Consumer Financial Protection Bureau received nearly 1,800 public comments to their request for information on how background screening, including eviction records screening, affects individuals who seek rental housing in the U.S. and may be driving discriminatory outcomes.²⁰

The lasting impact of the “Scarlet E” compounds the already profound impact evictions have on people’s lives. Research demonstrates that households who were evicted are less likely to be able to access affordable housing in a well-resourced neighborhood and more likely to experience worse housing and life outcomes and material hardships, more parenting stresses (including poor quality housing), under-resourced neighborhoods with lower-quality schools, and even suicide and depression.²¹ Evictions are particularly traumatizing and harmful to children and affect their emotional and physical well-being and development for years, if not for lifetimes.²² Eviction increases the likelihood of emotional trauma, lead poisoning, food insecurity, and academic decline for children. Eviction is also strongly associated with adverse childhood experiences, which have long-term negative health impacts such as decreased life expectancy. Children whose mothers are evicted during pregnancy are more likely to have adverse birth outcomes, and families of children born with adverse birth outcomes are substantially more likely to be evicted in the first 5 years of their child’s life.

¹⁸ U.S. DEP’T OF HOUS. AND URB. DEV., OFFICE OF POLICY DEVELOPMENT AND RESEARCH, REPORT TO CONGRESS ON THE FEASIBILITY OF CREATING A NATIONAL EVICTIONS DATABASE 19 (2021), <https://www.huduser.gov/portal/sites/default/files/pdf/Eviction-Database-Feasibility-Report-to-Congress-2021.pdf>.

¹⁹ CONSUMER FINANCIAL PROTECTION BUREAU, CONSUMER SNAPSHOT: TENANT BACKGROUND CHECKS 13 (2022), https://files.consumerfinance.gov/f/documents/cfpb_consumer-snapshot-tenant-background-check_2022-11.pdf.

²⁰ Press Release, Federal Trade Commission, FTC and CFPB Seek Public Comment on How Background Screening May Shut Renters out of Housing (Feb. 28, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/02/ftc-cfpb-seek-public-comment-how-background-screening-may-shut-renters-out-housing>; Federal Trade Commission, *Tenant Screening Request for Information*, Docket FTC-2023-0024, REGULATIONS.GOV, <https://www.regulations.gov/docket/FTC-2023-0024> (last visited Jul. 11, 2023).

²¹ Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, AM. J. OF SOCIOLOGY 88, 120 (2012); Matthew Desmond & Rachel Tolbert Kimbro, *Eviction’s Fallout: Housing, Hardship, and Health*, 94 SOC. FORCES 295, 310-19 (2015). See also ACLU & NAT’L COAL. FOR A CIV. RIGHT TO COUNSEL, NO EVICTION WITHOUT REPRESENTATION 3-7 (2022) (collecting studies), <https://www.aclu.org/report/no-eviction-without-representation>.

²² Emily A. Benfer et al., *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, 98 J. OF URB. HEALTH 1, 4 (Jan. 2021).

C. No-evictions policies raise serious fair housing concerns for renters who are Black or female, and especially Black women.

Existing data on evictions demonstrates how policies that categorically exclude applicants based on any prior eviction disproportionately deny housing to Black applicants, women applicants, and especially Black women applicants.

One recent study showed that Black people made up only about 20% of all adult renters in the counties for which the researchers had data, but almost 33% of all eviction filing defendants.²³ While only one in every five adult renters in the sample was Black, one in three eviction filings was served on a Black renter. In contrast, white renters made up over 51% the population but received less than 43% of eviction filings. Nearly one in four Black renters lived in a county in which the eviction rate for Black renters was more than double that for white renters.

Women, and especially women of color, face disproportionate rates of eviction across the country. The same study found that women in the sample faced a 2% higher eviction risk compared to men, translating into thousands of more evictions for women per year -- nearly 16% more eviction judgments for women than men.²⁴ These disparities are most stark for Black women. For example, this study estimated that Black women face an eviction filing at nearly double the rate of white women, and an eviction judgment 75% more often than white women. Black women in the sample faced a 4% higher eviction risk compared to Black men, translating to about 36% more Black women than Black men evicted annually.²⁵ As Princeton scholar Matthew Desmond has previously explained, “if incarceration has become typical in the lives of men from impoverished black neighborhoods, eviction has become typical in the lives of women from these neighborhoods.”²⁶

Being a survivor of domestic violence makes women, especially Black women, particularly vulnerable to eviction. As a result, in 2011, HUD recognized that rental policies, such as evictions and admissions screening, that deprive domestic violence survivors of housing disproportionately impact women and thus can constitute sex discrimination in violation of the FHA.²⁷ A research study of evictions in Milwaukee found that Black women are more likely to face domestic violence related evictions than their white counterparts. The study found that residents of Black neighborhoods who called 911 regarding domestic violence were more than three times more likely to face the threat of eviction compared to residents of white neighborhoods who called 911 regarding domestic violence.²⁸ A blanket no-evictions policy in

²³ Peter Hepburn et al., *Racial and Gender Disparities among Evicted Americans*, 7 SOCIO. SCI. 649, 653 (2020).

²⁴ *Id.* at 654-56.

²⁵ *Id.* at 654-57.

²⁶ Desmond, *Eviction and the Reproduction of Urban Poverty*, *supra* note 21, at 91.

²⁷ Memorandum from Sara K. Pratt, Deputy Assistant Sec’y for Enf’t and Programs, U.S. Dep’t of Hous. And Urb. Dev., to FHEO Off. Dir. And FHEO Reg’l Dir., *Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHA) and the Violence Against Women Act (VAWA)* 2 (Feb. 9, 2011), <https://www.hud.gov/sites/documents/FHEODOMESTICVIOLGUIDENG.PDF>.

²⁸ Matthew Desmond & Nicol Valdez, *Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner City Women*, 78 AM. SOCIO. REV. 117, 132-33 (2012).

admissions never gives a survivor the chance to explain that an eviction was related to the abuse and potentially violates myriad laws.²⁹

Moreover, the harms for renters of color are exacerbated because landlords frequently rely on reports from third-party screening companies based on automated retrieval of all eviction court records, even records that should not be reported or are inaccurate.³⁰ While applicants may be successful in defeating their eviction cases or getting them sealed, the fact that they have previously faced eviction often follows them for years as screening companies have stored the data and continue to release it to property owners. One recent study analyzed how landlords assess information from tenant screening reports.³¹ The study found landlords typically use blanket screening policies and are influenced by automation bias resulting from tenant screening reports. This, combined with eviction and arrest or conviction records that are themselves racially biased, leads to disproportionate exclusion from rental housing for people of color due to perceived “risk.”³² Landlords were found to react even more negatively to eviction records versus arrest and conviction records when evaluating applications, as they equated any type of eviction filing with executed judgments.³³

1. HUD has recently recognized the discriminatory impact of screening the rental histories of applicants.

HUD has recently recognized the discriminatory impact of screening applicants based on rental history. In guidance regarding subsidized multifamily properties, it stated:

Applicant screening and waitlist management practices also may create unnecessary barriers to housing opportunity or be inconsistently applied in practice, in a way that disproportionately excludes individuals based on their race, color, or national origin... Screening criteria, such as those related to criminal records, credit, and rental history, may operate unjustifiably to exclude individuals based on their race, color, or national origin...

[I]n evaluating rental history, housing providers should consider the accuracy, nature, relevance, and recency of negative information rather than having any negative information trigger an automatic denial. For example, records from eviction or related cases in which the tenant prevailed or that were settled without either party admitting fault do not necessarily demonstrate a poor tenant history. Likewise, extenuating or mitigating circumstances may apply (e.g., an eviction was due to unexpected medical or emergency expenses, or a negative reference reflected bias).

²⁹ In addition to the FHA, evicting a survivor of domestic violence for the violence committed against them could also violate the Violence Against Women Act, for example, if the housing receives a federal subsidy. *See* 34 U.S.C. § 12491 et seq. VAWA applies to millions of residences across the United States, including those funded by Low Income Housing Tax Credits and those paid for with Section 8 vouchers.

³⁰ CONSUMER FINANCIAL PROTECTION BUREAU, TENANT BACKGROUND CHECKS MARKET 22-24 (2022), https://files.consumerfinance.gov/f/documents/cfpb_tenant-background-checks-market_report_2022-11.pdf.

³¹ Wonyoung So, *Which Information Matters? Measuring Landlord Assessment of Tenant Screening Reports*, HOUS. POL’Y DEBATE, Aug 30, 2022, at 1, <https://doi.org/10.1080/10511482.2022.2113815>.

³² *Id.*

³³ *Id.* at 16-17.

This is important because non-white households may be more likely to face eviction actions, even for the same housing history as white counterparts.

Policies for screening tenants should be available to prospective applicants and contain enough detail for an applicant to tell whether they are likely to qualify...Housing providers should not request or consider records of criminal activity or rental history that fall outside the scope of their stated policies.³⁴

Moreover, in its recent proposed rule on Affirmatively Furthering Fair Housing, HUD observed that public housing authorities could advance their fair housing goals by adopting more flexible admission criteria, including for those who previously faced eviction, to ensure that members of protected classes are not excluded.³⁵

2. HUD’s analysis of the fair housing implications of arrest and conviction records screening provides a framework to address the fair housing implications of eviction records screening.

Since 2016, HUD has formally recognized the fair housing implications caused by landlords relying upon arrest or conviction records for admissions screening, lease terminations, and evictions. The same reasons that led to HUD rejecting arrest bans and blanket convictions bans should apply with equal force to eviction bans.

In its April 4, 2016 Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (“2016 OGC Guidance”), HUD outlined “how the Fair Housing Act applies to the use of criminal history by providers or operators of housing and real-estate related transactions” and addressed “how the discriminatory effects and disparate treatment methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action – such as a refusal to rent or renew a lease – based on an individual’s criminal history.”³⁶

³⁴ U.S. DEP’T OF HOUS. AND URB. DEV., OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY (FHEO) GUIDANCE ON COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT IN MARKETING AND APPLICATION PROCESSING AT SUBSIDIZED MULTIFAMILY PROPERTIES 6-7 (2022), <https://www.hud.gov/sites/dfiles/FHEO/documents/HUD%20Title%20VI%20Guidance%20Multifamily%20Marketing%20and%20Application%20Processing.pdf>.

³⁵ Affirmatively Furthering Fair Housing, 88 Fed. Reg. 8,516 (proposed Feb. 9, 2023).

³⁶ See U.S. DEP’T OF HOUS. AND URB. DEV., OFFICE OF GENERAL COUNSEL GUIDANCE ON APPLICATION OF FAIR HOUSING ACT STANDARDS TO THE USE OF CRIMINAL RECORDS BY PROVIDERS OF HOUSING AND REAL ESTATE-RELATED TRANSACTIONS (2016), https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF; Memorandum from Demetria L. McCain, Principal Deputy Assistant Sec’y for Fair Hous. And Equal Opportunity to Office of Fair Hous. & Equal Opportunity, et al., *Implementation of the Office of General Counsel’s Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions* (June 10, 2022), <https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidance%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Criminal%20Records%20-%20June%2010%202022.pdf>.

In analyzing the common practice of landlords screening out applicants with arrest and conviction records, HUD determined that Black and Latinx individuals' contact with the criminal legal system is disproportionate to their share of the general population, meaning that rental policies that exclude them could create an adverse disparate impact.³⁷ HUD found that arrest records do “not constitute proof of past unlawful conduct and are often incomplete...” and that landlords with such automatic policies cannot satisfy [their] burden of showing that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest.”³⁸ This analysis should also apply to records of eviction filings, which are initiated unilaterally by landlords.

For conviction records, HUD found that while a conviction is sufficient evidence that someone engaged in criminal conduct, housing providers that impose “a blanket prohibition on any person with any conviction record – no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then – will be unable to meet this burden” of achieving a substantial, legitimate, nondiscriminatory interest.³⁹ Even landlords with more narrowly tailored policies that only consider certain types of offenses will not be able to show that it achieves a substantial, legitimate, nondiscriminatory interest, if the policy fails to consider the nature, recency, and severity of the offense.⁴⁰ Even if a landlord can prove the necessity of the policy, a less discriminatory alternative could be that the owner conduct an individualized assessment that considers the nature, recency, and severity of the offense, as well as relevant mitigating evidence, such as the facts or circumstances surrounding the criminal conduct; the age of the individual at the time it occurred; evidence that the individual has maintained a good tenant history before and after the criminal conviction; and evidence of rehabilitation.⁴¹ Again, this logic should also be applied to eviction judgments, which similarly should not be used to categorically exclude housing applicants.

In June 2022, HUD issued a memo furthering implementing its 2016 OGC Guidance.⁴² To avoid violations of the FHA, HUD encouraged housing providers take some additional steps not outlined in the 2016 guidance, including to “[a]void the use of third-party screening companies that utilize algorithms that may contain racial or other prohibited bias in their design, have not been shown to reliably predict risk, may produce inaccurate information about the applicant, or make the decision for the housing provider (rather than providing information to the housing provider to make its own determination),” and before denying the housing due to an applicant’s arrest or conviction record, to “provide [them] with the criminal record, indicate which specific part of the record may form the basis for [the denial], and give [them] the opportunity to correct inaccurate information or explain extenuating circumstances related to that record.”⁴³

HUD’s analysis and determination that arrest and conviction record screening policies may have an unlawful disproportionate impact on protected groups provide a framework for

³⁷ *Id.* at 2-4.

³⁸ *Id.* at 5.

³⁹ *Id.* at 6.

⁴⁰ *Id.* at 7.

⁴¹ *Id.*

⁴² See Memorandum from Demetria L. McCain, *supra* note 36.

⁴³ *Id.* at 9.

HUD to determine that there is also an unlawful disparate impact when housing providers deploy eviction history screening policies. Just as there is disproportionate contact with the criminal legal system among Black and Latinx households (in particular Black and Latinx men), there is disproportionate contact with the eviction court system among Black households, and in particular for Black women. And just as HUD essentially outlawed the use of arrest records bans and blanket conviction bans that unlawfully disparately impact the housing opportunities of Black and Latinx individuals, HUD should take the same critical view of landlord use of no-evictions policies.

D. Oak Park Apartments’ no-evictions policy has a disparate impact on Black people, women, and specifically Black women, and creates, increases, reinforces, or perpetuates racial segregation in Oak Park.

Cook County evictions data is consistent with the national data, reflecting disparities based on race, as well as race and sex. Black renters experience the highest rates of eviction cases. According to an independent analysis of data from the Cook County Sheriff’s Office, while Black people of all genders make up just 33% of Cook County renters, Black people were approximately 56% of the individuals from September 2010 to March 2023 either served with an eviction case by the Sheriff’s Office or evicted by the Sheriff’s Office pursuant to a judgment. Eviction rates for Black renters are consistently higher than those for non-Black renters: on average, Black renters in Cook County faced nearly triple the likelihood of experiencing an eviction case than non-Black renters (6.1% vs. 2.3%). Furthermore, Black women in particular experience eviction more frequently than any other group. From September 2010 to March 2023, Black women alone accounted for approximately 33% of those served with an eviction case or evicted by the Sheriff’s Office despite making up just 22% of all renters in Cook County. On average, Black women renters faced a likelihood of experiencing an eviction case of 4.9%, compared to just 3.1% for all other renters. Black women experience a substantially higher likelihood both of having an eviction filing without being evicted and also of either having an eviction filing or being evicted than renters who are not Black women.

This analysis of countywide data showing the disparate impact of the no-evictions policy is a reasonable proxy of the entire pool of potential applicants to Oak Park Apartments. Although the Complainant does not know the precise demographic composition of Oak Park Apartment’s actual applicant pool, the no-evictions policy affects the composition of that pool by deterring many renters from ever applying in the first place. The pool of formal applicants does not reflect the entire pool of qualified applicants because many others with eviction records have been deterred from applying by Oak Park Apartments’ publicly-available policy that clearly states that an applicant “cannot have [an] ... **eviction**”⁴⁴ (emphasis added). Since Oak Park Apartments does not clearly define what the term “eviction” means under its policy, the deterrent effect is broad and may even deter applications from people with eviction records that are sealed, that are beyond the permissible 7-year time limit for reporting under the Fair Credit Reporting Act, or who have other eviction history that Oak Park Apartments would not or could not lawfully consider. Oak Park Apartments further deters potential tenants with any eviction history from applying by requiring all applicants to pay a non-refundable \$50.00 application fee and an

⁴⁴ *Application Process & Requirements*, *supra* note 5.

“earnest money” payment of \$300.⁴⁵ Finally, Oak Park Apartments deters potential applicants with eviction records who call to inquire about available units and are told that their applications will be automatically rejected.

Oak Park Apartments’ blanket no-evictions policy actually or predictably results in the disproportionate denial of housing opportunities to Black renters in Cook County, and especially Black women, both by deterring them from applying and through the rejection of formal applications submitted. Its no-evictions policy is an arbitrary and unnecessary barrier to housing, and is not necessary to achieve a substantial, legitimate, non-discriminatory interest. *See* 24 C.F.R. 100.500. Any valid interest Oak Park Apartments may have for the no-evictions policy could be served by another practice with a less discriminatory effect, such as having a policy that undertakes an individualized assessment of each potential tenant, distinguishes based on the circumstances and outcomes of past eviction cases, and applies a reasonable lookback period to eviction records (so that old cases with little or no bearing on an applicant’s current suitability for the tenancy are not considered).

Oak Park Apartment’s no-evictions policy also creates, increases, reinforces, or perpetuates racial segregation and interferes with the long history of intentional integrative efforts to encourage Black households to move to the Oak Park community. Starting in the late 1960s, Oak Park has taken active steps to follow the path of a handful of other communities in the United States to become intentionally integrated.⁴⁶ Village leaders began to study, assess, and adopt various strategies aimed at developing a pro-integration process that would change market forces and challenge racism in the real estate market.⁴⁷ By developing a process to slowly integrate Oak Park, village leaders hoped to avoid the type of community segregation and clustering of Black residents often present in other communities.⁴⁸ Village officials actively promoted their integration efforts through media and advertisements. They also outlawed housing discrimination and prosecuted realtors who engaged in unlawful practices, including panic peddling, the practice of inducing white home buyers to sell their homes quickly by making them believe Black residents are moving to their neighborhood.⁴⁹ In 1972, Oak Park banned the placement of for sale signs in front of homes because the sight of many signs escalated panic sales.⁵⁰ Though a nearly identical law was outlawed by the U.S. Supreme Court in 1977, Oak Park still has its law on its books and realtors continue to voluntarily adhere to the ban.⁵¹ Oak Park also took other steps to integrate, including investigating redlining, and creating an equity assurance program that would offer a payout to homeowners if housing prices dipped as a result of the Village’s integration efforts.⁵² One of the boldest efforts by the Village to integrate was to support the creation of the Oak Park Regional Housing Center, which was founded in 1972 with the purpose of encouraging Black and white households to make non-

⁴⁵ *Oak Park Apartments – General FAQs*, OAK PARK APARTMENTS (last visited July 11, 2023), <https://www.oakparkapartments.com/about-us/faqs/>.

⁴⁶ STAN WEST, PEGGY TUCK SINKO & FRANK LIPO, *SUBURBAN PROMISED LAND: THE EMERGING BLACK COMMUNITY IN OAK PARK, ILLINOIS 1880-1990*, 103 (2009).

⁴⁷ *Id.* at 103.

⁴⁸ *Id.* at 103-4.

⁴⁹ *Id.* at 109.

⁵⁰ *Id.* at 114.

⁵¹ *Id.*

⁵² *Id.* at 114-15.

traditional moves (i.e., white residents encouraged to move to integrated areas or buildings and Black residents encouraged to move to predominately white areas or buildings), as a way to contribute to racial diversity.⁵³ The Village also took active steps to integrate and maintain a racial balance within its public schools, including by creating two junior high schools and changing attendance zones for the eight elementary schools.⁵⁴

Over the last two decades, Oak Park has seen a decline in Black households by almost 13%.⁵⁵ Given the rising home prices and property taxes as well as the region's racial wealth gap, rental housing is a critical access point for Black households, especially Black female head of households, seeking to move to Oak Park.⁵⁶ Oak Park Apartments is one of the largest rental property owners in the Village and has properties throughout the Village. The map below illustrates where its properties are located as well as the racial segregation in the region.

⁵³ *Id.* at 119.

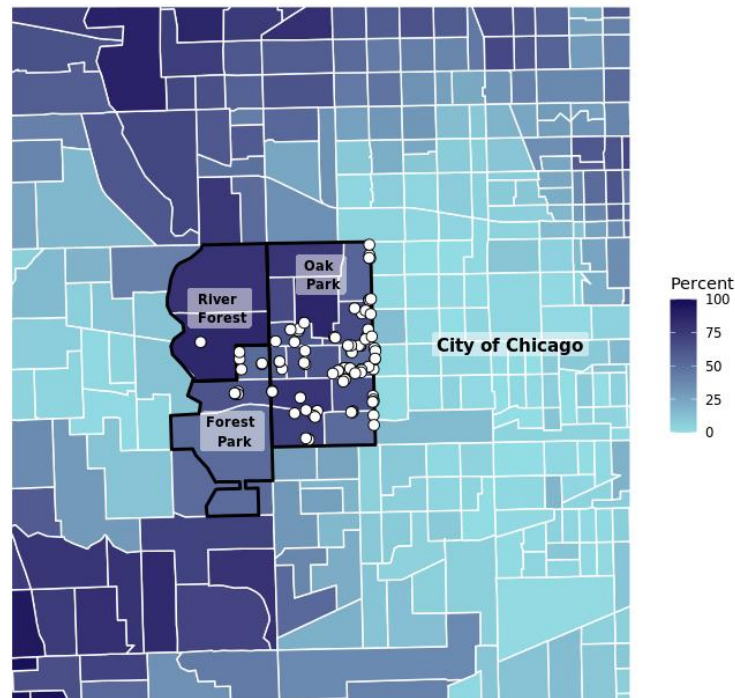
⁵⁴ *Id.* at 134.

⁵⁵ *Quick Facts, Oak Park village, Illinois*, U.S. CENSUS BUREAU (last visited July 11, 2023), <https://www.census.gov/quickfacts/oakparkvillageillinois>.

⁵⁶ A review of median household income reveals a stark racial wealth gap for Black households making it less likely that they can own a home. In 2000, Black households had an income rate at only 66% of the median household income of White households. U.S. CENSUS BUREAU, P60-213, CURRENT POPULATION REPORTS: MONEY INCOME IN THE UNITED STATES: 2000, 2 (Sept 2001), <https://www2.census.gov/library/publications/2001/demographics/p60-213.pdf>. There were also significant differences in poverty rates, where Black households had poverty rates equal to three times that of White households. U.S. CENSUS BUREAU, P60-214, CURRENT POPULATION REPORTS: POVERTY IN THE UNITED STATES: 2000, 2 (Sept 2001), <https://www2.census.gov/prod2/popscan/p60-214.pdf>. These racial disparities hold true today. In 2021, Black households had an income rate at only 62% of the median household income of White households, and Black households had poverty rates equal to three times that of White households. 2021: American Community Survey One-Year Estimates Subject Table, *S1903 Median Income in the Past 12 Months (In 2021 Inflation-Adjusted Dollars)*, U.S. CENSUS BUREAU (Jan. 28, 2023), <https://data.census.gov/table?q=acs&t=Income+and+Poverty&y=2021&tid=ACSST1Y2021.S1903>; 2021: American Community Survey One-Year Estimates Subject Table, *S1702 Poverty Status in the Past 12 Months of Families*, U.S. CENSUS BUREAU (Jan. 28, 2023), <https://data.census.gov/table?q=acs&t=Income+and+Poverty&y=2021&tid=ACSST1Y2021.S1702>

Demographics and Apartment Placement in Oak Park, 2020

Percent of White Residents In Each Census Tract



Data source: 2020 American Community Survey Estimates

Oak Park Apartments’ no-evictions policy thus creates, increases, reinforces, or perpetuates racial segregation in Oak Park by decreasing housing opportunities in the Village for Black households and especially Black women, who are more likely to have prior evictions.

E. HOPE has diverted resources to investigating and remedying the discriminatory impact of Oak Park Apartments’ no-evictions policy, which frustrates HOPE’s mission.

Oak Park Apartments’ no-evictions policy has injured and is continuing to injure HOPE. HOPE’s mission is to eliminate housing discrimination and racial segregation in housing in its service area, which includes Oak Park. Oak Park Apartments’ application of its no-evictions policy has frustrated and continues to frustrate HOPE’s mission of ensuring that all people have equal access to housing opportunities in the region that HOPE serves. Oak Park Apartments’ no- evictions policy has affected fair housing within HOPE’s service area both by directly excluding renters and, given its prominence within the property owner community in Oak Park, likely influencing other landlords to follow suit.

As described further above, HOPE expended significant resources investigating Oak Park Apartments’ no- evictions policy.

To counteract Oak Park Apartments’ discriminatory conduct, HOPE conducted a number of education and outreach activities. HOPE contracted with the Chicago Lawyers’ Committee for Civil Rights under Law to co-facilitate four educational trainings called “Tenant Screening,

Eviction Records and Fair Housing” for housing providers and/or tenants. From November 2022 until April 2023, there were four in-person and virtual trainings in the Chicagoland area and western suburbs, including one in Oak Park. The virtual training is posted on HOPE’s YouTube account. HOPE’s education and outreach team also posted about the Tenant Screening, Eviction Records and Fair Housing training in collaboration with Chicago Lawyers’ Committee for Civil Rights via various social media platforms, paid Facebook ads, and paid advertisements in the Oak Park local paper, *The Wednesday Journal*, as well as the regional paper, the *Daily Herald*. HOPE also provided these trainings to its community partners to share with their networks. Additionally, in August 2022 HOPE updated its general fair housing training to advise of the potential for a fair housing violation when landlords deny admissions on the basis of prior eviction. With that new presentation, HOPE continues to provide this training with the new eviction screening information throughout its service area. Finally, on May 17, 2023, HOPE’s fair housing conference, “HOPE for Housing: Meeting the Moment in Housing Justice,” featured a presentation entitled, “The Scarlet ‘E’: The Human Costs and Liability of Relying on Eviction Data.” This presentation was devoted to educating the audience on the potential liability created when landlords automatically screen out applicants with prior evictions.

HOPE is also continuing to test and investigate the eviction screening policies of other rental property owners in Oak Park, and conducting eviction screening investigations in other parts of its service area. For example, as a part of its Community Development Block Grant statement of work in Aurora, Illinois, HOPE committed to investigating the eviction screening policies of Aurora rental property owners.

HOPE has diverted and expended scarce resources to investigating and counteracting Oak Park Apartments’ discriminatory no-evictions policy and practices. Those resources would have been expended on other planned projects if not for the discriminatory actions described in this complaint. As a result of this diversion of resources, HOPE has had to postpone or abandon previously planned fair housing activities. For example, there have been numerous programming delays, including: pushing back the start of a community reinvestment project; deferral of the investigation of individual complaints; postponing the start of a planned testing investigation of race discrimination in sales; delayed completion and publication of a report regarding HOPE’s investigation of real estate appraisals; delayed initiation of a systemic source of income testing investigation in light of the passage of state source of income protection, including the development of the methodology for full-application testing; inability to conduct testing at properties where intake results or community complaints indicated potential discrimination; missed fundraising opportunities, including three Community Development Block Grant opportunities in other jurisdictions with a history of discrimination; missing the deadline to submit its own comments on HUD’s proposed affirmatively furthering fair housing rule; delayed hiring of several needed positions, including a Fair Housing specialist, staff attorney/director of enforcement, and a digital media specialist; and delaying the recruitment of new board members and meeting some of the financial goals set by the board.

F. HOPE requests that HUD retain jurisdiction over this complaint.

Upon information and belief, this is the first complaint filed with HUD challenging the discriminatory effect under the Fair Housing Act of a policy deterring and denying rental

applications from people with prior evictions, with a uniquely stark impact on Black women. Complainant requests that HUD retain jurisdiction and conduct the investigation because this complaint raises systemic allegations and novel legal issues under the Fair Housing Act.

Eviction record screening policies are rampant across the country. They block millions of applicants who have previously faced eviction from current housing opportunities, often for years. They continue to erect barriers to housing, at a time when eviction filings are on the rise following the end of many pandemic-era eviction-reduction measures. Thus, this complaint raises systemic allegations, as it challenges “discriminatory housing practices that are pervasive or institutional in nature” and may “involve complex issues, involve novel questions of fact or law, or affect a large number of persons.”⁵⁷ A finding could impact millions of housing applicants and rental properties throughout the country. Moreover, the complaint raises novel questions, as it asserts intersectional race and sex discrimination under the FHA based on the disproportionate impact of eviction screening policies on Black women in particular, as well as a segregative-effects claim challenging an eviction screening policy. As a result, it is most appropriate for FHEO to retain jurisdiction in order to analyze the legal claims as well as the data on which they are based.

G. Conclusion

Under all applicable laws and regulations, HUD has the authority to review the actions of Oak Park Apartments that cause discriminatory effects. Pursuant to the Act, Complainant has appropriately submitted a timely complaint as an aggrieved party for injuries resulting from Respondent’s policies and actions.

For the reasons set out above, HOPE asks HUD to find that Oak Park Apartments’ actions and conduct are in violation of 42 U.S.C. § 3604(a). Complainant seeks declaratory and injunctive relief, together with all other relief that may be available pursuant to the Fair Housing Act including attorneys’ fees and costs.

Dated: July 20, 2023

Respectfully submitted,

⁵⁷ Memorandum from Sara K. Pratt, Deputy Assistant Sec’y for Enf’t and Programs, U.S. Dep’t of Hous. And Urb. Dev., to FHEO Headquarters and Field Office Staff, *Updated Guidance on Processing Multi-Jurisdictional Complaints* 7 (March 23, 2012).

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