



CITY OF
URBANA

Office of Human Rights and Equity
Carla M. Boyd

400 S Vine St • Urbana IL 61801 • (217) 384-2466 • cmboyd@urbanaillinois.us

April 25, 2022

Element on Main Apartments
Attn: Toni Miebach
502 W. Main St.
Urbana, IL 61801

Re: Case # UC 2022-01
Charles Horn v. Element on Main Apartments


Dear Ms. Miebach:

A **"No Probable Cause"** finding has been issued in the above referenced case.

A no probable cause finding means that the evidence presented in the case does not support the allegations made in the charge.

Although the City of Urbana's Office of Human Rights and Equity is closing the file in this matter, the Complainant may appeal the finding to the Urbana Human Relations Commission. That appeal must be made in writing **within 28 days** of the date of this letter. If a written appeal is received, the Office of Human Rights and Equity will notify you and provide additional information regarding the process.

Sincerely,


Carla M. Boyd
Human Rights and Equity Officer

cc: Dave Wesner, Assistant City Attorney

Enclosures



April 25, 2022

Mr. Charles Horn



Re: Charles Horn v. Element on Main Apartments
City of Urbana Case #: UC-2022-01

Dear Mr. Horn:

A **"No Probable Cause"** finding has been issued in the above referenced case.

A no probable cause finding means that the evidence presented in the case does not support the allegations made in the charge.

Although the City of Urbana's Office of Human Rights and Equity is closing the file in this matter, you may appeal the finding to the Urbana Human Relations Commission. You must file an appeal **within 28 days** of the date of this letter. Your appeal should be sent to Peter Resnick, Interim Chair, Urbana Human Relations Commission, 400 S. Vine Street, Urbana, IL 61801.

Sincerely,



Carla M. Boyd
Human Rights and Equity Officer
City of Urbana

cc: Dave Wesner, City Attorney

Investigative Fact Finding Summary Report

Date: April 22, 2022

Name of Complainant: Charles Horn

Name of Respondent: Element on Main Apartments

Case Type: Housing/Source of Income

List of Witnesses Interviewed: Toni Miebach

Summary of Complaint

On or about November 30, 2021, Charles Horn alleges that Element on Main Apartments unlawfully discriminated against him in their advertisement based on his protected class, Source of Income.

Summary of Complainant Allegations: (Exhibit A)

- (1) Mr. Horn alleges that he was a bona fide, financially capable applicant;
- (2) Mr. Horn alleges Element on Main Apartments stated in an advertisement for a rental apartment on Craig's List that they do not accept Section-8 Vouchers. Therefore, Mr. Horn alleges that Element on Main Apartments unlawfully discriminates against Mr. Horn.
- (3) Mr. Horn alleges that he would have applied for a rental but for knowledge of the alleged unlawful discriminatory advertisement..

Summary of Respondent's Position: (Exhibit B)

1. The Respondent stated that the advertisement was not intentional in violating the Human Rights Ordinance
2. As of the date of the position statement, Element on Main Apartments had removed potentially discriminatory language from their advertisements.

Background:

On December 15, 2021, the City of Urbana's Office of Human Rights & Equity mailed, along with other property management companies and landlords in Urbana, including Element on Main Apartments, a notice of potential violations letter concerning the Fair Housing standards in Urbana. **(Exhibit C 1 & D)**

Property Management companies/Landlords were given 30 days from the receipt of the letter to correct any potential language used in advertising and application that could be a potential violation of the City of Urbana Human Rights Ordinance. **(Exhibit C 1 & D)**

Mr. Horn alleges that he saw the advertisement on or about November 30, 2021. When he returned to Craig's List on or about December 20, 2021, the advertisement had been removed. **(Exhibit C & D)**

According to Mr. Horn, on or about December 20, 2021, Element on Main Apartments was advertising rental units on the website "Hello Section-8". (Exhibit C & D)

Conclusion:

The HREO Investigator serves as an unbiased fact gatherer identifying and securing information through interviews of witnesses and review of written records. As such, the following conclusions are made:

Based on the correspondence between the City of Urbana and Property Management Co. and Landlords and a reasonable expectation, the Property Management Companies and Landlords had 30 days from the receipt of the correspondence to correct any potential violations of the Urbana Human Rights Ordinance.

Charles Horn signed the formal complaint on January 13, 2022.

The evidence demonstrates that Element on Main Apartments adhered to the request of the City of Urbana and the Office of Human Rights and Equity within the 30-day period.

Therefore, after reviewing all the facts gathered during the investigation and factoring in "reasonable cause" principles, a **"NO PROBABLE CAUSE"** finding is issued in this case. A "No Probable Cause" finding means there was insufficient evidence to support the claim of an Urbana's Human Rights Ordinance housing violation under the protected class of "Source of Income".

Signature:



Human Right and Equity Officer

Date:

4/22/22

Signature:



Attorney/City of Urbana, IL

Date:

4/27/22



Formal Discrimination Complaint Form

CITY OF URBANA

Human Relations Division
400 S Vine St Urbana, IL 61801

Carla M. Boyd
Human Rights and Equity Officer
cmboyd@urbanaininois.us
217.384.2466

CASE #UC

UC-2022-01

NAME (Indicate Mr., Ms. or Mrs.)

Mr. Charles Horn

HOME TELEPHONE NO. (Inc. Area Code)

STREET ADDRESS

CITY/STATE/ZIP CODE

COUNTY

Urbana, IL 61801

Champaign

COMPLAINT TO BE FILED AGAINST:

NAME

Element on Main Apartments

TELEPHONE NUMBER (Include Area Code)

217-384-5876

STREET ADDRESS

CITY/STATE/ZIP CODE

502 W. Main St.

Urbana, IL 61801

CAUSE OF DISCRIMINATION BASED ON Article III Section 12-64 of the Urbana Human Rights Ordinance which prohibits discrimination on the basis of (Check appropriate boxes):

- Race Color Creed Class National Origin Religion Sex Age Marital Status
- Physical/Mental Handicap Personal Appearance Sexual Orientation Family Responsibilities Matriculation
- Political Affiliation Prior Arrest/Conviction Record Source of Income Other (Specify)

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month-Day-Year)

November 30, 2021

THE PARTICULARS ARE (if additional space is needed, attach extra sheet(s)):

On or about November 30, 2021, Charles Horn alleges that Element on Main Apartments unlawfully discriminated against him based on his protected class, Source of Income.

- (1) Mr. Horn alleges that he was a bona fide, financially capable applicant;
- (2) Mr. Horn alleges Element on Main Apartments stated in an advertisement for a rental apartment on Craig's List that they do not accept Section-8 Vouchers. Therefore, Mr. Horn alleges that Element on Main Apartments discriminates against Mr. Horn and people of his protected class.
- (3) Mr. Horn alleges that he would have applied for a rental but for knowledge of the alleged unlawful discrimination.

I swear or affirm that I have [redacted] and that it is true to the best of my knowledge, information, and belief.

Signature of Complainant [redacted]

State of Illinois

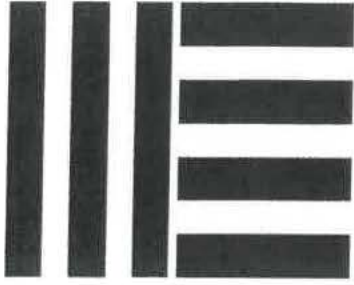
County of Champaign

Subscribed and sworn to before me this 13 day of January 20 22

Seal & Signature of Notary [redacted]



Exhibit B



ELEMENT
O N M A I N

March 14, 2022

City Of Urbana,

Hello, I am the property manager at Element on Main.

I am writing to deny the allegations of discrimination against Charles Horn.

Kind regards,

Toni Miebach

Property Manager

217 384-5876

Case #UC

UC-2022-01



March 14, 2022

City Of Urbana,

I am truly sorry that Mr. Horn was offended by our advertising. It was not intentional and we have taken steps to stop that from happening in the future.

We just have never been enrolled in this program.

I went back through to all correspondence with Charles Horn.

I couldn't find any emails only a chat on Market place where we reached out to him about still being interested in a unit in August.

I never spoke with Mr. Horn on the phone. I would gladly have worked with him on any issues.

We have a very diverse residency here and after being informed, we no longer say anything about Section 8 in any of our advertising.

Thank you for your time,

Toni Miebach

Property Manager

Element on Main

Boyd, Carla

From: charles horn [REDACTED]
Sent: Friday, December 24, 2021 11:25 AM
To: !HRO
Cc: Mick Woolf
Subject: [*** SPAM ***] Discrimination
Importance: Low

*** Email From An External Source ***

Please initiate my complaint. I am disabled and in need of special accommodations

I have a voucher awarded by HUD. Recently I saw a listing by Element at Main in Urbana that stated no section 8. When I advised them that was illegal they removed that language and scrubbed their history prior to December 20, 2021, but did nothing to facilitate my application or correct its previous transgressions. Nevertheless, that has been their consistent recent policy and has gone on unabated by the City.

This violated the following provision of the Urbana Code:

Chapter 12 - HUMAN RIGHTS

Sec. 12-37. - Intent and purpose. It is the intent of the City of Urbana in adopting this article, to secure an end, in the city, to discrimination, including, but not limited to, discrimination by reason of race, color, creed, class, national origin, religion, sex, age, marital status, physical and mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income, or any other discrimination based upon categorizing or classifying a person rather than evaluating a person's unique qualifications relevant to an opportunity in housing, employment, credit or access to public accommodations.

ARTICLE III - DISCRIMINATION

Sec. 12-39. - Definitions.

[For the purpose of this article, the following words and terms shall be defined as herein set forth:]

Source of income. The point or form of the origination of legal gains of income accruing to a person in a stated period of time; from any occupation, profession or activity, from any contract, agreement or settlement, from federal, state or local payments, including Section 8 or any other rent subsidy or rent assistance program, from court-ordered payments or from payments received as gifts, bequests, annuities or life insurance policies.



400 S Vine St • Urbana IL 61801 • (217) 384-2466 • cmboyd@urbanaininois.us

December 15, 2021

ELEMENT ON MAIN
502 W MAIN ST #300
URBANA, IL 61801

RE: Notice of Violation of City of Urbana Human Rights Ordinance

Dear Landlord,

It has come to the attention of the Office of Human Rights and Equity for the City of Urbana that your website and/or rental application may have language that is in violation of Urbana's Human Rights Ordinance, Sec. 12-37, **Intent and purpose**, which states:

*It is the intent of the City of Urbana in adopting this article, to secure an end, in the city, to discrimination, including, but not limited to, discrimination by reason of race, color, creed, class, national origin, religion, sex, age, marital status, physical and mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, **prior arrest or conviction record or source of income**, or any other discrimination based upon categorizing or classifying a person rather than evaluating a person's unique qualifications relevant to an opportunity in housing, employment, credit or access to public accommodations. (Emphasis added)*

Further, Section 12-64 (c), **Housing and Commercial Space: Signs, notices, publications**, states:

It shall be an unlawful practice for any person to do any of the following acts for a reason wholly or partially based on discrimination: ... (2) To publish or circulate, or cause or permit any person to publish or circulate, a statement, advertisement or notice of an intention to sell or lease any real property in a manner that is unlawful under this article.

In reviewing your published online advertisement/application for your rental unit(s), an interest in the criminal background/record of rental applicants and/or statements concerning the acceptance of section-8 housing vouchers as a source of income was indicated. Either of these could be a potential violation of the City of Urbana Human Rights Ordinance. Please review your website and online rental application to remove any/all language that does not align with the ordinance. You/your office should have received a copy of the Human Rights Ordinance, which can assist you in updating your website and/or rental application information. If you have already updated your online advertisement /application, there is no further action necessary.

After thirty (30) days of receipt of this letter, the Office of Human Rights and Equity will again review your website advertisements/rental application for updates. At the time of review, if your website/rental application language is not in alignment with the Urbana Human Rights Ordinance, the Office of Human Rights and Equity office will take the next appropriate step of the formal complaint process.

Sincerely,

Carla M. Boyd
Human Rights and Equity Officer

Exhibit D



CITY OF
URBANA

Office of the Mayor
Diane Wolfe Marlin

400 S Vine St • Urbana IL 61801 • (217) 384-2454 • dwmalin@urbanaillinois.us

December 21, 2021

ELEMENT ON MAIN
502 W MAIN ST #300
URBANA, IL 61801

Dear Property Management,

As you are aware, the City of Urbana and the Urbana Human Relations Commission desire to address instances of discrimination within the City, including housing discrimination. Recently, the Human Relations Commission requested Carla Boyd, Urbana Human Rights and Equity Officer, to review information and material concerning rental housing within the City. Ms. Boyd sent a letter regarding website/ rental application language with an indication that it may be violation of the Urbana Human Rights Ordinance concerning housing discrimination.

It has been brought to my attention that the letter may have created some questions or concerns about the City's steps in addressing what was noted about the material. The City desires to work with and assist property owners and managers in meeting their obligations with regard to the Urbana Human Rights Ordinance. We would like to set a time to meet with you to discuss the letter, the materials reviewed by Ms. Boyd, and any questions or concerns you may have. Our goal is to educate and assist property owners and managers in avoiding any potential discriminatory practices. I would ask that you please contact Human Rights and Equity office at your earliest convenience to schedule a meeting. We appreciate your cooperation.


Mayor

Carla Boyd
217-384-2466
cmboyd@urbanaillinois.us