



## **AFFORDABLE REQUIREMENTS ORDINANCE**

# **AFFIRMATIVE FAIR HOUSING MARKETING AND TENANT SCREENING PLAN RULES**

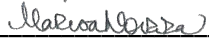
Updated December 15, 2022

City of Chicago  
Mayor Lori E. Lightfoot

Department of Housing  
Commissioner Marisa Novara

**AFFIRMATIVE FAIR HOUSING MARKETING AND TENANT SCREENING PLAN RULES  
AUTHORITY**

BY THE AUTHORITY VESTED IN THE COMMISSIONER OF HOUSING PURSUANT TO SECTION 2-44-085 OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES ARE ADOPTED.

Signed:   
Marisa Novara, Commissioner

Date: December 9, 2022

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# 1. Affirmative Fair Housing Marketing and Tenant Screening Plan

All developers subject to the Affordable Requirements Ordinance (ARO) are required to adopt an Affirmative Fair Housing Marketing and Tenant Screening Plan (MTSP). The purpose of the MTSP is to reduce segregation and encourage integration in housing by promoting fair housing choice regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, and source of income.

This Affirmative Fair Housing Marketing and Tenant Screening Plan provides instructions on how to develop an effective MTSP. These rules will go into full effect on December 9, 2022, and will apply to any residential housing project subject to the ARO, regardless of which version of the ARO applies to the project.

Prior to your ARO marketing intake meeting (see MTSP Rule 10.3), you must complete the Affirmative Fair Housing Marketing and Screening intake eForm available at [Chicago.gov/ARO](https://Chicago.gov/ARO).

The eForm will walk you through the required information and constitute acknowledgement of the marketing and tenant selection rules contained in the rest of this document.

## 2. Tenant Screening Criteria and Procedures

Developers, property managers, marketing and leasing agents must adhere to all applicable federal, state, and local laws in the development and implementation of tenant screening criteria. A copy of the ARO tenant screening criteria must be submitted to the Department of Housing (DOH) via the eForm prior to scheduling the marketing intake meeting. All reasons for applicant denials must be based on retained documents substantiating those reasons.

### 2.1. ARO Tenant Application and Selection Process

The steps for an applicant to apply for an affordable unit are:

1. Applicant contacts the leasing agent of the property.
2. The Applicant is given the option to tour an affordable unit or a comparable market-rate unit.
3. Leasing Agent provides the prospective tenant application forms, which must include the tenant application, a copy of the DOH approved MTSP, and forms found in Exhibits A, B, C, and D of this Plan.
4. The Applicant submits a rental application to the leasing agent of the property.
5. The leasing agent screens the application using the criteria in the DOH-approved MTSP.
6. If applicant passes screening, the leasing agent will collect documentation from the applicant to determine the tenant's income eligibility. The leasing agent will use the documentation provided by the applicant to calculate the applicant's household income to ascertain that the household income is at or below:
  - a. The applicable Area Median Income (AMI) limit, and
  - b. DOH's 40% rent-to-income ratio requirement.
7. Applicants whose income meets both of these requirements shall not be excluded or screened out by other income-based criteria applied by the leasing agent.
8. The leasing agent will complete the Tenant Income Certification (TIC) form and ascertain that the gross rent is at or below the applicable HUD maximum affordable monthly rent limit.
9. The leasing agent will send a complete and pre-approved information package, including the TIC form and supporting income and asset documents to confirm the applicant's income eligibility to ARO Long-term Monitoring and Compliance staff.
10. ARO Long-Term Monitoring and Compliance staff reviews the information package.
11. Within 10 business days of the date of receipt of a complete information package, ARO Long-Term Monitoring and Compliance staff will issue a determination letter regarding the applicant's income qualification.
12. If the determination letter denies the application, the applicant may appeal the denial by following the steps outlined in Section 2.8 of this plan.
13. If the application is approved:
  - a. ARO Long-Term Monitoring and Compliance staff will confirm the approval to the leasing agent.
  - b. Within one business day of the date of receipt of such approval, the leasing agent must offer a lease to the applicant and such offer must remain open for acceptance for seven business days.
14. Once the lease is fully executed, the leasing agent will provide ARO Long-Term Monitoring and Compliance staff with a copy of the lease, which date shall be no later than 10 business days from the date of ARO Long-Term Monitoring and Compliance staff's approval of the application.

If an applicant requires assistance with the ARO tenant application process, the applicant may contact a DOH Delegate Agency at no cost. Please refer to Exhibit A for a list of DOH Delegate Agencies and contact information.

## 2.2 Fees

Leasing agents may not charge application fees to applicants for affordable units, other than a reasonable credit report fee. Leasing agents may not require fees or deposits for affordable units that are not applied to market-rate unit applicants. Leasing agents may not charge move-in fees to applicants for affordable units that will not be refundable or credited to the first month's rent. Leasing agents may not require move-in fees or security deposits amounting to more than 30% of the monthly rent of the unit to be occupied by the applicant for an affordable unit.

## 2.3 Screening Criteria – General

Leasing agents may not apply screening criteria to applicants for affordable units that are not applied to applicants for market-rate units if such criteria would have a disparate impact on a protected class.

A property manager must provide each prospective applicant with a copy of the tenant selection criteria, which describes how applicants are evaluated and notifies applicants of their right to dispute inaccuracies relevant to criminal history and credit history.

## 2.4 Family-Size Unit Preference Policy

Property owners must give preference in leasing units of two bedrooms or more to qualifying multi-person households, as detailed in the table below. These units will be available to qualifying multi-person households for a 6-week period following the start of general marketing and outreach, or upon new vacancy, on a first-come, first-served basis. Following the 6-week period, these units can be offered to any otherwise qualified household regardless of size.

<b>Unit Type</b>	<b>No. of Residents</b>
2 Bedroom	2 – 4
3 Bedroom	3 – 6
4+ Bedroom	5+

## 2.5 Accessible Unit Considerations

### 2.5.1 Accessible Unit Preference Policy

Developers must give preference in leasing at least 10% of the total affordable accessible units to people with disabilities. For example, a 100-unit rental project in a community preservation area, inclusionary area, or downtown district that elects to provide a 20% set-aside would have an ARO obligation of twenty affordable units. Of those twenty affordable units, at least two (10% of 20 units) must be reserved for preferential leasing under the accessible unit preference policy.

As detailed in Exhibit A, these accessible units are subject to a separate 6-week marketing and outreach period prior to the start of the general marketing and leasing period. Applicants in need of an available accessible unit will be evaluated and offered the unit on a first-come, first-served basis for the separate 6-week marketing period. If 10% of the total affordable accessible units are filled during this 6-week period, this does not trigger an additional percentage beyond the minimum 10% requirement. If a unit subject to the accessibility preference policy is also a family-sized unit, an applicant household must meet the requirements of both preference policies in order to satisfy this section.

Applicants who do not require accessibility features will not be offered these units until all eligible applicants with disabilities have been considered during the mandatory 6-week marketing period.

If an accessible unit is offered to and accepted by an applicant who does not require accessibility features, that tenant will be required to transfer to a comparable non-accessible unit within the building if a future tenant or applicant requires an accessible unit. This relocation requirement will be subject to the availability of affordable units in the building and will require the property manager to contact the ARO Project Manager to execute a Unit Change Memo. This relocation requirement is applicable for affordable units in projects that are subject to the 2015 ARO, and to 2021 ARO projects with off-site affordable units.

### **2.5.2 Applying for an Accessible Unit**

Households with a member who needs accessibility features may indicate the need for an accessible unit with a short description of the accessibility features needed on the Reasonable Accommodations and Modifications Request form to the leasing agent. See Exhibit B.

If a person's disability is obvious, or otherwise known to the leasing agent, and if the need for the requested accommodation is also readily apparent or known, then the landlord may not request any additional information about the requester's disability or the disability-related need for the accommodation.

If the requester's disability is known or readily apparent to the provider, but the need for the accommodation is not readily apparent or known, the landlord may request information that is necessary to evaluate the disability-related need for the accommodation.

### **2.5.3 Accessible Unit Documentation**

Applicants that are requesting accessible units may be asked to provide verification of a disability issued by a doctor, medical professional, a non-medical service agency, a peer support group, a community-based organization, or a reliable third party.

Proof of disability may also be established by documents from the following sources:

- Illinois Person with a Disability Identification from the Secretary of State's Office
- Proof of Social Security Disability Insurance
- Credible statement by the individual

### **2.5.4 Reasonable Accommodations and Modifications**

Under the federal [Fair Housing Act](#) and the [Chicago Fair Housing Ordinance](#), a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service<sup>1 2</sup>. It is unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling unit and its public and common use areas. If an applicant needs additional time to complete the application, a physical change to the dwelling unit, or a change in rule, policy, communication, practice, or service, procedures must be established to ensure meaningful access and reasonable accommodations and modifications for a disability in accordance with the federal Fair Housing Act and the [Chicago Blueprint for Fair Housing](#). See Exhibit B for the Reasonable Accommodations and Modifications Form.

Properties with affordable units are required to provide the Reasonable Accommodations and Modifications Request Form to all applicants as an attachment to the tenant lease application. Failure to provide the Reasonable Accommodations and Modification Form as part of the lease application will result in a penalty as defined in the Penalties for Non-Compliance section of this Plan.

## 2.6 Tenant Income Certification

Leasing agents are responsible for completing the TIC form. The ARO Program uses the process laid out in Chapter 5 – Section 1 of the HUD Handbook 4350.3 Rev-1 (Change 4) to determine income for ARO tenant applicants. For more information, please visit [Chapter 5. Determining Income and Calculating Rent](#).

Leasing agents are required to gather the following documentation forms, which can be found at [cityofchicago.org/ARO](http://cityofchicago.org/ARO), to ascertain whether a rental application qualifies for an affordable unit and submit them to ARO Long Term Monitoring and Compliance staff:

- ARO Tenant Checklist
- Tenant Income Certification (TIC)
- Any one of the acceptable supporting documents for earned and unearned income documents, including those listed below. A full list of acceptable documentation is available via the [HUD Handbook 4350.3 Appendix 3](#).
  - Pay stubs
  - Income tax returns
  - Unemployment letters
  - Social security benefits
- Third Party Verification of Employment form (VOE)
- Certification of Zero Income, if applicable
- Three consecutive bank statements

If all or a portion of an applicant's income cannot be verified by any of the listed acceptable documentation, an applicant may submit a signed and notarized self-certification affidavit attesting to the portion of income that is not able to be verified. Self-certification must include information on frequency and amount of income from the relevant source or sources. All other income must still be verified by the above listed acceptable documentation. The applicant must use best efforts to obtain the above listed acceptable documentation before submitting a

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<sup>1</sup> Reasonable Accommodations and Modifications, U.S. Department of Housing and Urban Development, [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/reasonable\\_accommodations\\_and\\_modifications](https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications)

<sup>2</sup> Chicago Blueprint for Fair Housing, City of Chicago, <https://www.chicago.gov/content/dam/city/sites/chicagos-blueprint-for-fair-housing/pdfs/ChicagoBlueprintforFairHousing-Full%20Report.pdf>



request to use a self-certification income affidavit. All requests for self-certification of income will be subject to review, and DOH reserves the right to require that additional steps be taken to verify income prior to accepting any self-certification.

## 2.7 Reasons for Denial by DOH

Reasons for denial by DOH of an application for an affordable rental unit include:

- Household income exceeds ARO income limits.
- Unit rent is over 40% of household income.
- No appeal to DOH's denial letter is received within 5 business days of the date of applicant's receipt of the denial letter.
- As specified by ARO Long Term Monitoring and Compliance staff on a case-by-case basis.

## 2.8 Appealing a Denial

If an applicant does not qualify for an affordable unit:

- a. ARO Long-Term Monitoring and Compliance staff will issue a notice of income ineligibility to the leasing agent
- b. The leasing agent must issue a denial letter to the applicant within one business day of the date of receipt of the notice of the applicant's income ineligibility.
- c. The applicant has the right to appeal the denial in writing through the leasing agent by submitting an ARO Unit Application Appeal Form. See Exhibit E.
- d. The leasing agent must receive the completed appeal form with any supporting documentation from the applicant within ten business days from the date in which an email notification is sent or the postmarked date on the denial letter, if mailed.
- e. Within one business day of the date of receipt of the ARO Application Denial Appeal Form from the applicant, the leasing agent must forward such ARO Application Denial Appeal Form with supporting documentation to ARO Long Term Monitoring and Compliance staff.
- f. Once DOH receives all the Denial Appeal Form with all requested documents from the leasing agent, Long Term Monitoring and Compliance staff will email the leasing agent a final determination of income qualification within ten business days.
- g. The leasing agent must notify the applicant and provide a copy of DOH's final determination letter within one business day of receipt of DOH's final determination letter.

If an application is denied, the applicant has the right to appeal the denial in writing through the leasing agent within ten business days from the date of the notice of ineligibility.

## 2.9 Credit

DOH prohibits tenant selection procedures that exclude applicants based solely on their credit scores or credit history. Applicants with low credit scores or negative credit scores must be individually assessed according to the Credit Review Criteria Form in Exhibit C. Exhibit C is also available at [Chicago.gov/ARO](http://Chicago.gov/ARO).

## 2.10 Criminal History

DOH prohibits tenant selection procedures that exclude applicants based on their criminal history. The [Cook County Just Housing Amendment \(JHA\)](#) prohibits housing discrimination based on criminal history and requires housing providers to perform an individualized assessment of an applicant's criminal conviction history prior to denying an application for housing.

The JHA prohibits including a checkbox on housing applications that ask whether an applicant has a criminal history.

Application forms provided to tenants must include:

- A description of how an applicant will be evaluated, including what criteria will be assessed.
- Notice of the applicant's right to dispute inaccuracies relevant to criminal history and to provide evidence of rehabilitation or other mitigating factors related to criminal history.
- A copy of the JHA or a link to the [Cook County Commission on Human Rights' Website](#).

Applicants with criminal history must be individually assessed per the Criminal History Review Criteria Form in Exhibit D and available at [Chicago.gov/ARO](#).

Applicants alleging a JHA violation must file a complaint within 180 days of the alleged violation by contacting the Cook County Commission on Human Rights by phone (312-603-1100), by email ([human.rights@cookcountyil.gov](mailto:human.rights@cookcountyil.gov)) or in person at 69 W. Washington, Suite 3040.

## 2.11 Rent Subsidies

Chicago's Fair Housing Ordinance prohibits leasing agents from refusing to accept rental subsidies from a tenant, including, but not limited to, vouchers from the Chicago Housing Authority's Housing Choice Voucher Program. When a tenant uses a rent subsidy, the tenant's rent portion plus the rent subsidy plus the applicable utility allowance must not exceed the applicable HUD Maximum Affordable Monthly Rent Limits, available at [Chicago.gov/ARO](#).

Applicants alleging source of income discrimination or other prohibited discrimination in the sale or rental of housing in the City of Chicago may file a complaint with the Chicago Commission on Human Relations (CCHR).

## 2.13 Student Status

An ARO affordable unit shall not be provided to any individual who is enrolled as a full-time student at an institution of higher education for the purpose of obtaining a degree, unless they meet one or more of the following criteria:

- a. A student is receiving AFDC/TANF
- b. A student is previously in a foster care program under Part B or Part E of title of the Social Security Act
- c. A student enrolled in a job training program funded under the Workforce Investment Act or similar federal, state, or local program
- d. A single parent living with his/her/their minor children and such parent is not a dependent and whose children are not dependents of another individual other than a parent
- e. Is married and filed a joint return

DOH requires Leasing Agents to include with an ARO application a student status affidavit indicating if the applicant is a full-time student and, if so, if they meet any of these criteria.

## 2.14 CCHR’s Complaint Process

The Chicago Commission on Human Relations receives and adjudicates complaints of discrimination in violation of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance. Individuals must file complaints within 365 days of the alleged violation.

To file a complaint please visit [www.cityofchicago.org/humanrelations](http://www.cityofchicago.org/humanrelations) or contact (312) 744-4111.

## 2.15 Penalties for Non-Compliance

Failure to comply with any condition of project approval, including this plan, constitutes a violation of the ARO and may subject to the following penalties:

VIOLATION	PENALTY AMOUNT
Failure to pay the ARO in lieu fee or off-site administration fee.	As determined on a case-by -case basis, capped at twice the original in lieu fee per unit amount.
Failure to construct the affordable units.	
Failure to sell the affordable unit in accordance with the ARO.	
Failure to market the affordable units in accordance with the Affirmative Fair Housing Marketing and Tenant Screening Plan Rules.	
Failure to lease the affordable unit in accordance with the ARO.	\$500.00 per unit per day for each day that the developer is in noncompliance with the ARO.

# Exhibit A: Affirmative Fair Housing Marketing Plan

DOH requires residential developments subject to the ARO to implement an Affirmative Fair Housing Marketing Plan. Affirmative marketing activities include, but are not limited to, methods of advertising and community outreach that are designed to reach persons who are least likely to apply for the program. In order to reach persons who are least likely to apply, housing providers are required to conduct marketing in formats that are accessible to persons with disabilities and in languages other than English.

This form should be included as an attachment in the eForm submitted when requesting the marketing intake meeting with DOH.

## Marketing Details

### Marketing Contact:

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_  
Development website: \_\_\_\_\_

### Developer Contact:

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_  
Development website: \_\_\_\_\_

### Owner Contact, if different than above:

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_  
Development website: \_\_\_\_\_

### Property Manager Contact, if different than above

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_  
Development website: \_\_\_\_\_

## Accessible Units Preference Policy

An “accessible dwelling unit” is a unit that:

- Is approved by the Mayor’s Office for People with Disabilities;
- Complies with Type A Unit Requirements of Chapter 14B-11;
- Provides at least one accessible bedroom on the entrance level; and
- Includes a bathtub or shower, a water closet and a lavatory on the entrance level.

The ARO requires the application of accessible occupancy preferences for at least 10% of on-site accessible units in ARO projects. These units are subject to a separate marketing and outreach process. Records of correspondence with supportive service providers must be maintained to document compliance with appropriate outreach for the accessible units.

- Housing providers must market and advertise to people who may be eligible for the accessible affordable units by contacting service providers who have established communication channels with such populations.
- Housing providers must ensure that at least 10% of on-site and accessible units in ARO-subject properties are advertised for a 6-week period prior the start of the general marketing and leasing period.
- Preference for occupancy of accessible affordable units will be given to applicants with disabilities that require the accessibility features provided in the units.
- If an accessible affordable unit becomes vacant, the process for filling the vacancy is subject to the accessible units preference policy.
- Applicants who do not require accessibility features will not be offered these units until all eligible applicants with disabilities have been considered.
- If an accessible unit is offered to an applicant who does not require accessibility features, such tenant will be required to transfer to a comparable non-accessible unit within the building if another tenant or future applicant requires an accessible unit.

### **Supplemental Outreach for Properties with Extended Vacancies**

Rental properties with multiple vacancies for more than 45 days must conduct supplemental outreach to three community-based organizations to encourage applications from households who otherwise might be unlikely to apply for housing at the property.

These efforts must be documented and submitted to the DOH Monitoring and Compliance Division when used to report on extended vacancies.

### **Fair Housing Training**

Landlords agents are required to attend an annual training on federal, state, and local fair housing laws. The Commission on Human Relations (CCHR) is a resource for housing providers regarding fair housing compliance.

### **How will you be marketing your affordable unit(s)? Please list below the marketing methods and advertising activities that will be used.**

At least 30 days before you begin accepting applications for the affordable units, you must implement an Affirmative Fair Housing Marketing Plan approved by DOH. The City has set the following requirements to ensure the marketing for your affordable units are consistent with federal, state, and local fair housing laws.

### **Include information of affordable units in residential building leasing website**

**ATTESTATION OF COMPLIANCE WITH MARKETING REQUIREMENTS**

I will include information of affordable units, such as unit availability, types, rent, and income limits, if a website is being used to market and lease units in the residential building.

**Ads placed weekly in 5 venues over at least a 6-week period**

I will select different newspapers or publications and post weekly in the following 5 local venues throughout a 6-week period at least one time each week:

<b>Newspaper or publication to place advertisements</b>	<b>Exact Advertisement Dates</b>

A list of suggested newspapers is available at [Chicago.gov/ARO](http://Chicago.gov/ARO).

**Ads placed in one citywide venue**

I will post in the following citywide paper for at least 2 weekends on a Saturday or Sunday:

<b>Newspaper or publication</b>	<b>Exact Advertisement Dates</b>

**Ads placed on social media**

I will announce daily or weekly the affordable housing opportunity in at least three of the following non-print electronic media outlets throughout the marketing period.

<b>Social Media Activity</b>	<b>Exact Advertisement Dates</b>
Facebook, Twitter, etc.	
Online newspaper	
Website	
Email blast	

I will announce the affordable housing opportunity to the local alderperson's office, so that the alderperson may promote the availability of the affordable units to the targeted populations.

<b>Aldersperson's Name</b>	<b>Date Communicated</b>

**Supplemental Outreach to Community Based Organizations**

I will contact three community-based organizations from a list provided by DOH to inform, and solicit applications from, households who otherwise might be unlikely to apply for an affordable unit.

A list of community-based organizations is available at [Affirmative Marketing - Organization List .xlsx](#)

All newspaper ads and postings must state: maximum incomes by household size; renter qualifications; rental team contact information as the primary contact; and identify DOH as the Long Term Monitor and Compliance Division of the ARO Program. All postings must display the following “Equal Housing Opportunity” symbol on all marketing materials, advertisements, and notices at the rental office:



#### Sample Ad Language

Two one-bedroom “below market-rate” rental units available at [Insert address]. \$1,000 a month. Must be income eligible. Households must earn no more than the maximum income levels below:

80% of Area Median Income:

One person - \$52,200; 2 persons - \$59,560; 3 persons - \$67,100; 4 persons - \$74,550

Applications due by 5:00 p.m. on DATE. Please contact the [DEVELOPER] for an application and more information at (312) XXX-XXXX or [EMAIL] or download at [WEBSITE].

Applicants with vouchers or other third-party subsidies are welcome to apply. These units are subject to monitoring, compliance, and other restrictions by the City of Chicago’s Department of Housing. For more information visit [www. \[insert ARO website\]](#)

#### Sample Ad Language for Accessible Units

Please customize the list of accessible elements listed in the sample ad language below for the published ad to reflect the actual accessible unit features in the ARO project.

Two one-bedroom “below market-rate” rental units adaptable for people with disabilities available at [Insert address]. \$1,000 a month. Must be income eligible. Households must earn no more than the maximum income levels below:

80% of Area Median Income:

One person - \$52,200; 2 persons -\$59,560; 3 persons - \$67,100; 4 persons - \$74,550

Applications due by 5:00 p.m. on DATE. Please contact the [DEVELOPER] for an application and more information at (612) XXX-XXXX or [EMAIL] or download at [WEBSITE].

The building and units include the following accessible elements:

- Accessible indoor [outdoor] parking space
- Accessible mailboxes and mail package room
- Accessible main building entrance
- Elevator(s) serving all building floors
- Accessible unit primary door and interior doors
- Accessible route through the unit
- Adaptable bathroom with tub
- [Adaptable bathroom with accessible shower]
- Adaptable bathroom sink with removable cabinet
- Kitchen with accessible wall cabinets, work counter, accessible sink and appliances
- All electrical outlets and switches, and the thermostat at accessible reach range.

Applicants with vouchers or other third-party subsidies are welcome to apply. These units are subject to monitoring, compliance, and other restrictions by the City of Chicago's Department of Housing. For more information visit www. [insert ARO website]

I will use the following ad language when marketing and advertising affordable units.

*Your Proposed Ad Language Here:*



**Tenant Income Certification (TIC) and Resident Demographic Data Collection Certification**

I hereby indicate by my signature below that I will offer each applicant the opportunity to disclose demographic information on the TIC form for affordable units prior to move-in. DOH requires housing providers of ARO projects to collect race, ethnicity, disability, and age data from all eligible households, using categories pre-defined by the U.S. Census Bureau. Housing providers must submit demographic data as part of the TIC form. DOH will review forms of eligible households to ensure equitable access to affordable housing opportunities is available for all.

**Record Keeping Standards**

I hereby indicate by my signature below that I will document all Affirmative Fair Housing Marketing efforts and make them available to DOH upon request. These efforts will include the following actions.

- Record dates and retain documentation of affirmative marketing of affordable unit(s);
- Record dates and retain documentation of outreach for accessible units;
- Record dates and retain documentation of listings in at least 5 different venues a throughout a 6-week period;
- Record dates and retain documentation of listings in at least one citywide venue over at least 2 weekends on a Saturday or Sunday;
- Record dates and retain documentation of listings on social media throughout the marketing period.

**Acknowledgements**

I will inform DOH Long Term Monitoring and Compliance Division if the marketing contact changes.

I will immediately notify DOH Long Term Monitoring and Compliance Division when an affordable unit becomes vacant.

I certify that the information presented herein is true and accurate to the best of my knowledge and belief.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Exhibit B: Reasonable Accommodation and Modifications Request Form

Housing providers are required by law to respond to requests for reasonable accommodations and modifications to assist persons with disabilities in accessing and securing housing. Housing providers should encourage tenants to submit a request form when requesting a reasonable accommodation and modification.

## Reasonable Accommodation and Modifications Request Form

Please complete and submit this form to the property manager of the subject property for which you are applying to for an affordable unit if you need additional time to complete the application or require a reasonable accommodation. Accommodation requests must be submitted to the property manager at least 3 business days prior to the application closing date.

### Notice of Right to Reasonable Accommodation

If you have a disability and need one of the following to provide you equal access to housing:

- A change in a policy,
- A change in a communication or how you receive information, or
- A physical change to the unit for which you are applying.

You may ask for a reasonable accommodation by submitting this form to the leasing agent.

Date of request: \_\_\_\_\_

### Applicant Contact:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Affordable Unit that you are applying for (include building address and unit #):

\_\_\_\_\_

Check reason for Accommodation Request:

\_\_\_\_\_ Need additional time to complete the application

\_\_\_\_\_ Need a physical change in the unit (please check needed accommodation(s):

\_\_\_\_\_ Addition of grab bars for bath/shower or toilet

\_\_\_\_\_ Removal of a kitchen or bathroom sink base cabinet

\_\_\_\_\_ Lowering of bottom shelves in kitchen wall cabinets

\_\_\_\_\_ Adding a side-by-side washer and dryer inside the dwelling unit

\_\_\_\_\_ Modification of the fire alarm system to accommodate visual impairment

\_\_\_\_\_ Modification of the fire alarm system to accommodate hearing impairment

\_\_\_\_\_ Other (please explain):\_\_\_\_\_

Need a change in policy, communication, practice or procedure, please specify in the lines below:

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If the property for which you are applying for cannot provide this accommodation immediately, you will receive a response to this request within 10 business days. If you disagree with the response, you may appeal the decision to:

Property Manager Contact Information [To be completed by the property management manager]:

Name:\_\_\_\_\_

Phone Number:\_\_\_\_\_

Email:\_\_\_\_\_

With a copy to:

City of Chicago  
Department of Housing  
121 North LaSalle Street, Room 1000  
Chicago, Illinois 60602  
Attn: ARO Project Manager

With a copy to:

City of Chicago  
Mayor's Office for People with Disabilities  
121 North LaSalle Street,  
Chicago, Illinois 60602  
Attn: Deputy Commissioner of Compliance Accessibility Compliance Unit

# Exhibit C: Credit Review Criteria Form

## Prohibited Information

The following information may not be considered in this individualized assessment:

- Housing court history or past or pending landlord-tenant action;
- Debt-to-income ratios;
- Lack of credit or rental history;
- Guarantors or co-signers, with the exception of not-for-profits or government entities acting on behalf of their clients;
- Home visits, photos, or representations of the applicant's living situation; or
- Outreach to current or previous housing providers, neighbors, or others associated with the applicant's living situation, except as specifically authorized by the applicant to obtain a current or previous landlord's written record of applicant's history of rent payment.

## Part 1 – Credit Review Criteria

### Step 1: Applicant Subsidy

If the applicant is in receipt of rent subsidies that go directly to the housing provider and pay the entire rent, the applicant may not be denied based on credit history.

- YES. Approve Applicant. End Process.
- NO. Proceed to Step 2.

Examples of rent subsidy include, but not limited to:

- Housing Choice Voucher Program (Section 8)
- HUD/VASH
- Public assistance
- Non-profit rental assistance
- Emergency Rental Assistance (ERA)

### Step 2: 12-Month On-Time Rental Payment

If the applicant provides evidence of 12 months of consistent, on-time rental payments, the applicant may not be denied based on credit history.

- YES. Approve Applicant. End Process
- NO. Proceed to Step 3

This step may be completed through a third-party landlord verification. If a third-party document cannot be obtained, then alternative sources can be considered. This includes forms of evidence of positive rental payment include, at a minimum, but are not limited to:

- Canceled checks;
- Rent receipts;
- Landlord's written record of rent payment (provided by applicant);
- Records of online rent payment;
- Bank printouts showing direct payment to landlord;
- Money order stubs; or
- Any other form of evidence the applicant can provide, accepted at the discretion of the housing provider.

### Step 3: Credit Score

Applicants may not be excluded based solely on their credit scores or credit history. Housing providers may opt to consider a FICO credit score as one of several factors' indicative of financial stability. **If you are running a credit check, applicants must be provided a copy of their credit report if it is to be used among the bases for rejection.**

- Is it your policy as a housing provider to consider an applicant's numerical credit score as an indicator of financial stability?
  - YES, complete question below.
  - No. Proceed to Step 4 and subsequent sections.

Is the Applicant's credit score 580 or above, or 500 or above if the Applicant is homeless?

- YES. Approve Applicant. The applicant's credit score is satisfactory.
- NO. Proceed to Step 4 and subsequent sections.

#### **Step 4: Factors as Grounds for Denial**

Only the below factors can be grounds for denial. However, if any of these factors exist, the applicant must be allowed 10 business days to submit any information or documentation to explain or mitigate negative findings, which the housing provider must consider in its eligibility determination.

Only the following factors may be grounds for denial based on applicant credit history:

##### A. Bankruptcy

Has the applicant filed for bankruptcy or has applicant been consistent with the Chapter 13 repayment agreement for the preceding 12 months?

- YES. Consider mitigating factors and proceed to Part II.
- NO. Applicant may not be denied based on bankruptcy.

##### B. Delinquencies, Collections, Money Judgements and Liens

Does the applicant have delinquencies, collections, money judgements or liens ("Applicable Debt") that meet ALL of the following criteria?

- Applicable Debt is open or unsatisfied (has not been charged off).
- Applicable Debt exceeds \$5,000 in total.
- Applicable debt is **not** medical or student loan debt.
  
- YES. Applicant's Applicable Debt meets all the foregoing criteria. Considering mitigating factors and proceed to Part II.
- NO. Applicant may not be denied based on Applicable debt.

#### **Part II: Applicant Outreach – Mitigating Factors**

If the applicant has failed Part I of the assessment, the housing provider must reach out to the applicant requesting additional information pursuant to Step 1 and 2 below so that an individualized assessment may be conducted.

The applicant must be provided at least 10 business days in which to provide such additional information. This is not an appeals process. A housing provider must consider the additional information prior to making a determination regarding the applicant's eligibility.

#### **Step 1: Mitigating Factors Mandating Eligibility**

The following factors are mandatory mitigating factors regarding applicant eligibility. If an applicant is able to provide documentation affirming the existence of these factors, the applicant must be deemed eligible on the basis of credit history.

- The applicant submits the HUD 5382 applicant certification form which informs the housing provider that the applicant is a survivor of domestic violence, dating violence, sexual assault, or stalking and provided information sufficient for housing provider to determine that the negative credit or financial history is a direct result. Link to HUD 5382: [5382.DOCX \(live.com\)](#)
  - YES. Approve Applicant. End Process.
  - NO. Proceed to next question.
- In the case of a negative finding of bankruptcy or Applicable Debt, the applicant presented evidence of positive rental history, indicating consistent, on-time rental payments in the past 12 months.
  - YES. Approve Applicant. End Process.
  - NO. Proceed to next question.

### Step 2: Other Mitigating Factors

- Erroneous or incomplete findings.
  - Applicant has provided evidence that the findings regarding negative credit history are erroneous or incomplete, and the corrected findings indicate the Applicant's credit history is unlikely to negatively impact tenancy going forward.
  - Examples may include, but are not limited to the following:
    - Errors in credit reporting;
    - Evidence of settlement of delinquent accounts; or
    - Other (Explain in box below).
    - YES. Approve applicant. End Process.
    - NO. Proceed to next question.
- Other mitigating factors.
  - Examples may include, but are not limited to the following (check which apply):
    - Applicant's negative history is due to incarceration.
    - Applicant's negative history is due to deployment in the U.S. military.
    - Applicant's negative history is due to an episodic financial crisis that no longer exists (e.g., short term- or temporary unemployment, illness, etc.).
    - Applicant has a payment plan for their past financial obligations and has been making timely payments.
    - Applicant is now in receipt of a government rental subsidy.

### Step 3: Determination

Based on a consideration of all the factors and mitigating circumstances, is the applicant eligible for tenancy?

- YES
- NO

If no, include a detailed explanation below:

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# Exhibit D: Criminal History Review Criteria Form

## **Step 1: Prequalification**

During this step, a housing provider may screen an applicant to determine whether the applicant satisfies all the application criteria such as income, rental history, credit score, and pets. A criminal background check cannot be performed during the prequalification stage. When this first step is completed, the housing provider must either 1) pre-qualify the applicant based on all criteria except those related to criminal history; or 2) deny the application based on a failure to satisfy the prequalification criteria.

## **Step 2: Criminal Background Check**

The term "landlord" shall mean the property owner and any agent of such property owner, including but not limited to, any leasing agent or property manager. Only after the landlord prequalifies an applicant may a landlord conduct a criminal background check. Any criminal background check received by the leasing agent must be provided to the tenant applicant within five business days. Step 2 screens ONLY the three-year criminal history of the applicant. A conviction is defined as a judgement of liability entered upon a plea, verdict, or finding of guilt for an offense, rendered by a legally constituted jury, court, or administrative authority of competent jurisdiction. Any convictions older than three years MAY NOT be used to deny a housing application. If a conviction within three years is found, the housing provider must conduct an individualized assessment. Based upon the individualized assessment, the landlord must notify the applicant of an approval or denial.

During this step, you cannot consider:

- Arrest records not leading to conviction;
- Juvenile records;
- Records that have been sealed, expunged, or pardoned;
- Convictions that have been pardoned by the governor;
- Records where applicant participated in a deferral or diversion program; or
- Convictions committed more than 3 years prior to the date of application, except for the offenses described below.

## **Exceptions to Cook County's Just Housing Amendment**

You may deny an applicant for a new lease or lease renewal based on any of the following:

- The applicant or a household member is a current sex offender required to register under the Illinois Sex Offender Registration Act (or a similar law in another jurisdiction).
- The applicant or a household member is a current child sex offender under residency restriction.

## **Step 3: Approval or Denial and Right to Dispute**

If the applicant passes both the prequalification and the criminal background check, the landlord must approve the applicant. If the applicant did not pass the prequalification or the criminal background check, the landlord may deny the applicant. Any criminal background check received by the leasing agent must be provided to the tenant applicant within five business days. All applicants have the right to dispute inaccurate criminal history and to provide evidence of rehabilitation or other related mitigating factors

### Individualized assessment

An individualized assessment is a questionnaire that considers all relevant factors from an individual's conviction in the previous three years. The following list provides a list of factors that can be considered. All answers to questions within an individualized assessment should be documented for possible future reference.

- The nature and severity of the criminal offense and how recently it occurred.
- The nature of the sentencing.
- The number of criminal convictions.
- The length of time that has passed since the applicant's most recent convictions.
- The age of the individual at the time the criminal offense occurred.
- Evidence of rehabilitation.
  - Completion of a returning resident's program.
  - Job readiness training.
  - Supportive services that assist with the transition back to society.
  - Completing of a GED or other education programs.
  - Report from a correctional facility.
  - Employment.
  - Personal recommendations.
- The individual history as a tenant before and after the conviction.
- Whether the criminal convictions were related to the applicant's disability.
- If the applicant is a person with a disability, whether any reasonable accommodation could be provided to lessen any demonstrable risk.

### Dispute Resolution Procedure

A model notices of denial can be found here:

[https://www.cookcountyil.gov/sites/g/files/yywepo161/files/jha\\_sample\\_notices\\_updated\\_3.10.2020.pdf](https://www.cookcountyil.gov/sites/g/files/yywepo161/files/jha_sample_notices_updated_3.10.2020.pdf)

- Within five business days after receiving the results of a criminal background check, the housing provider must deliver a copy to the applicant in person or by text, email, or certified mail.
- Within five business days after receiving such results, the applicant may dispute the accuracy or relevance of the information in the criminal background check with documentary evidence.
- Within three business days of receiving such documentary evidence, the landlord may accept or deny the application.
- A denial of an application or renewal based on the results of a criminal background check must be in writing and must provide the applicant with both an explanation of why the denial is necessary to protect against a demonstrable risk of harm to personal safety or property and the applicant's right to file a complaint with the Cook County Commission on Human Rights.

### Determination

Based on a consideration of all the factors and mitigating circumstances, do you wish to deny the applicant based on their criminal history?

- YES
- NO

If yes, include a detailed explanation below with reference to factors included in the Individualized Assessment section above. \_\_\_\_\_



# Exhibit E: ARO Affordable Unit Application Denial Appeal Form

## AFFORDABLE REQUIREMENTS ORDINANCE (ARO) APPEAL FORM FOR TENANT ELIGIBILITY

Date: \_\_\_\_\_

**Property Name:** \_\_\_\_\_

Property Address: \_\_\_\_\_

Property Manager Name: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_

Unit Applied for: \_\_\_\_\_

### REASON FOR DENIAL OF APPLICATION:

1. \_\_\_\_ Household Income Exceeds ARO Income Limits
2. \_\_\_\_ Unit Rent is Over 40% of Household Income
3. \_\_\_\_ No Response within deadline date by Applicant
4. \_\_\_\_ Other(s) (see below)

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**Applicant(s):** Please provide a brief description/explanation of your circumstances to be considered for an appeal/secondary review for a final decision on your application (include additional sheets if needed).

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**\*NOTE:** Please attach supporting documents as evidence to substantiate your appeal. This form and any attachments **must be returned to the Property Manager within 10 business days from the date of the DETERMINATION NOTICE.**