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Access Living sues City of Chicago for three decades of discrimination against people with disabilities in Affordable Rental Housing Program

Complaint in Federal Court affects more than 650 developments, 50,000 housing units

May 14, 2018, CHICAGO – Access Living of Metropolitan Chicago, a Center for Independent Living (CIL) and advocate for people with disabilities, filed suit in the U.S. District Court for Northern District of Illinois, alleging the City of Chicago has funded and developed tens of thousands of affordable rental housing units without ensuring that a sufficient number are accessible to people with disabilities as required by federal law.

The action, which addresses the Affordable Rental Housing Program as a whole, involves the failure of city agencies, since 1988, to comply with the accessibility requirements of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act (Section 504), and the Fair Housing Act (FHA). Due to the city's actions, according to the complaint, "low-income people with disabilities struggle to find suitable housing and are often forced to live on the street, in their cars, in nursing homes, in homeless shelters, or in other inadequate and dangerous housing."

"Since Access Living was founded, the lack of accessible and affordable housing has been the greatest obstacle to our mission of ensuring the right of every person with a disability to live independently, with dignity, in the community. We have been frustrated by the failure of the City of Chicago to enforce our rights in the otherwise robust Affordable Rental Housing Program, and we intend to change that," said Marca Bristo, Access Living CEO.

Since 2004, Access Living has received approximately 50,000 inquiries from consumers in search of accessible as well as affordable housing. Typical stories include a woman with a mobility impairment who had to climb 25 stairs because she could not afford to live somewhere else, a man forced to live in a nursing home for decades because he could not find affordable housing with wide enough doors for his wheelchair, a woman who uses a wheelchair forced to call the fire department if she needed to leave her second floor unit, and a woman with Lupus who was homeless and finally had to move into an apartment with stairs in order to retain her rental voucher. Many of Access Living's clients are low-income and dependent on rental vouchers and

other subsidies to cover the cost of housing.

“I believe accessible, affordable housing is a human right. I love living in Chicago but the lack of affordable, accessible units in the city has impacted my entire life,” said Angela Lacy, an Access Living client with a disability. Among other things, the lack of accessible, affordable housing made Lacy homeless during two periods of her life and forced to climb stairs to an apartment for several years.

“I have never really found a unit that fully meets my needs. I have been shown over and over again that Chicago does not provide for people whose lives and families depend on access to accessible, affordable apartments,” Lacy said.

Under all three of the federal laws cited in the suit, architectural accessibility is a cornerstone of equal opportunity for people with disabilities. With respect to units it funds or otherwise develops, the City is obligated to ensure compliance with the architectural accessibility standards mandated by these laws. Additionally, the City must evaluate and ensure the meaningful accessibility of the Affordable Rental Housing Program as a whole. This includes implementing policies and procedures to ensure that accessible units are actually prioritized for occupancy by residents who require them on account of disability, and conducting a thorough self-evaluation to identify and address any ongoing barriers to accessibility in the city’s housing program.

In 2016, Access Living began an investigation to determine whether the City was complying with the accessibility requirements of the ADA, Section 504, and the FHA in its Affordable Rental Housing Program. It revealed that many developments in the City’s Affordable Rental Housing Program were not constructed to allow individuals who use wheelchairs to enter, access, and/or use buildings, rooms, and amenities. Violations found include:

- Main entrances that are inaccessible to an individual in a wheelchair because of steps or other barriers
- Doors in units and into units that are too narrow for wheelchairs
- Inaccessible bathroom sinks or faucets
- Very few units with roll-in showers

Access Living’s investigation also uncovered evidence that the City failed to implement and enforce policies necessary to make the Affordable Rental Housing Program as a whole meaningfully accessible to people with disabilities, including policies to connect units with accessible features to individuals who need those features.

The suit contends the City failed to take steps to ensure that accessible units within the Affordable Rental Housing Program are made available to people with disabilities that need them. The complaint also asserts the City cannot provide a complete list of affordable housing units that receive financial assistance, identify all wheelchair-accessible or sensory-accessible units in the program, or take steps to ensure that accessible units that do exist in the Affordable

Rental Housing Program are inhabited by people with disabilities who need those accessibility features.

Further, the complaint states that city agencies, including the Department of Planning and Development, Office of Management and Budget, and the Department of Buildings failed to enforce architectural accessibility standards on building owners and managers of affordable housing.

The suit asks the court to:

- Compel the City to survey each and every unit and common area in the Affordable Rental Housing Program
- Bring each and every unit and common area into full compliance with the ADA, Fair Housing Act, and Section 504
- Put in place policies and practices to provide meaningful access to the program for people with disabilities
- Enforce compliance by building owners and managers

Access Living also seeks damages related to the frustration of its core mission. The ruling could impact more than 50,000 rental units in over 650 developments, and require the City to take steps to ensure that future development complies with federal accessibility requirements.

“The most frustrating thing about Access Living having to bring this litigation is that federal law has required heightened accessibility in the City’s affordable housing program since 1988,” said Michael Allen, one of the attorneys for the Plaintiff. “We hope the City will embrace this obligation as it seeks to remedy the enormous accessibility problems detailed in the complaint.”

Allen is partner in the Washington, D.C.-based civil rights firm Relman Dane & Colfax. In 2016 he represented two Centers for Independent Living in a similar case against the City of Los Angeles. In that case, the [City agreed](#) to devote a minimum of \$20 million per year over the next ten years in order to make at least 4,000 affordable units comply with accessibility laws.

“The housing landscape for people with disabilities in the City of Chicago needs to undergo a serious correction. With this lawsuit, we seek to achieve that big fix,” said Ken Walden, managing attorney of Access Living.

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Established in 1980, Access Living is a change agent committed to fostering an inclusive society that enables Chicagoans with disabilities to live fully-engaged and self-directed lives. Nationally recognized as a leading force in the disability advocacy community, Access Living challenges stereotypes, protects civil rights and champions social reform.