

In The Appellate Court
Fourth Judicial District

BARBARA COLE,
Plaintiff-Appellant

v.

TIMBERBROOK REALTY, LLC., Defendant-Appellee.

Appeal from the Circuit Court of Peoria County, Illinois, Tenth Judicial Circuit, No. 25-CH-25,
The Honorable James Mack, Judge Presiding.

**MOTION OF ACCESS LIVING, CHICAGO AREA FAIR HOUSING ALLIANCE,
CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS, HOPE FAIR HOUSING,
HOUSING ACTION ILLINOIS, LAND OF LINCOLN LEGAL AID, LEGAL AID
CHICAGO, NATIONAL HOUSING LAW PROJECT, THE NETWORK: ADVOCATING
AGAINST DOMESTIC VIOLENCE, NORTHSIDE COMMUNITY RESOURCES, OPEN
COMMUNITIES, POVERTY RACE RESEARCH ACTION COUNCIL, AND THE
SOUTH SUBURBAN HOUSING CENTER.**

**FOR LEAVE TO APPEAR AS AMICI CURIAE AND TO FILE A BRIEF INSTANTER IN
SUPPORT OF PLAINTIFF-APPELLANT BARBARA COLE**

Pursuant to Illinois Supreme Court Rule 345(a), the *Amici Curiae* Access Living,
Chicago Area Fair Housing Alliance, Chicago Lawyers' Committee for Civil Rights, HOPE Fair
Housing, Housing Action Illinois, Land of Lincoln Legal Aid, Legal Aid Chicago, National
Housing Law Project, The Network, Northside Community Resources, Open Communities,
Poverty Race Research Action Council, and South Suburban Housing Center (collectively
"*Amici*,") respectfully move the court for leave to file instanter their brief amici curiae in support
of the opening brief filed on behalf of the Plaintiff-Appellant Barbara Cole. Ms. Cole is

appealing the Circuit Court of Peoria County ruling, affirming Timberbrook Realty's decision to ultimately not rent to her due to her receipt of a Housing Choice "Section 8" Voucher ("Housing Choice Voucher"), without considering the Illinois Human Rights Act's prohibition against source of income discrimination. *Amici* seek to file their brief to demonstrate to this Court that the lower court's decision that the Illinois Human Rights Act does not and cannot require landlord to enter into Section 8 Housing Assistance Payment contracts ("HAP contracts") runs afoul of the purpose and intent of the Illinois Human Rights Act's source of income protection provisions, plays into longstanding efforts by property owners to circumvent these laws, and undermines efforts to ensure households with Housing Choice Vouchers can secure housing and avoid homelessness.

In further support of Ms. Cole's opening brief, *Amici* state as follows:

1. As described in more detail in the proposed brief, Timberbrook Realty's refusal to ultimately rent to Ms. Cole's because she had a Housing Choice Voucher directly contradicts the purpose and intent of the Illinois Human Rights Act's source of income protections and its overall efforts to prohibit housing discrimination, which was specifically amended in 2022 (and in effect in 2023) to prevent individuals like Ms. Cole from experiencing housing discrimination and housing denials due to their use of a Housing Choice Voucher. The lower court's ruling that property owners cannot be compelled to enter into HAP contracts effectively nullifies the intent of the Illinois General Assembly to prohibit discriminatory housing denials of Housing Choice Voucher households. *Amici* have a strong and unique interest in this appeal concerning households in Illinois who rely upon Housing Choice Vouchers to secure housing and avoid homelessness and the role of fair housing protections in creating

balance and accountability in the housing market, which makes them well-situated to assist the Court.

2. *Amici* are national, state, and local experts on fair housing and the Housing Choice Voucher program. *Amici* specialize in or run projects devoted to advocating on behalf of victims of fair housing discrimination, and have specific knowledge of how Housing Choice Vouchers are heavily relied upon by low-income families, older adults, and persons with disabilities to afford their housing. In particular, many of the *Amici* have drafted, advocated in support of, and assisted in the implementation of laws to protect the housing rights of households with Housing Choice Vouchers, including the Illinois Human Rights Act source of income provision at issue here.

- **Access Living** was founded in 1980 and is one of the nation's largest, most experienced, and most prominent disability rights organizations governed and staffed by people with disabilities. As a Center for Independent Living (CIL) established under the federal Rehabilitation Act, Access Living's statutorily-mandated mission includes advocacy to ensure the independence, integration, and full citizenship of people with disabilities. To that end, its Civil Rights Team protects and advances the fair housing rights of people with disabilities, including the rights attendant to the source of income protections in the Illinois Human Rights Act. Access Living was among the organizations that advocated for passage of those protections in Illinois.
- **Chicago Area Fair Housing Alliance** ("CAFHA") is a nonprofit organization founded in 1985 serving the Chicagoland region and devoted to fair housing advocacy, organizing, research, and education. CAFHA works directly with

households who have Housing Choice Vouchers to improve the voucher program and ensure that they have equitable access to housing. CAFHA also facilitates the Illinois Housing Equity Collective, which advances statewide efforts to support fair housing enforcement. CAFHA's voucher leaders and staff supported efforts to pass source of income protection in Illinois.

- **Chicago Lawyers' Committee for Civil Rights** is a public interest law organization founded in 1969 that works to secure racial equity and economic opportunity for all. CLCCR investigates complaints of housing discrimination throughout the state of Illinois. On behalf of households with Housing Choice Vouchers, it has litigated numerous source of income discrimination cases under the Illinois Human Rights Act and local ordinances providing source of income protection. CLCCR was also a member of the coalition that advocated for statewide source of income protections in Illinois.
- **HOPE Fair Housing** ("HOPE") is a nonprofit organization that has worked to eliminate housing discrimination throughout Illinois since 1968. Its mission is to expand housing opportunities and ensure that every person can choose where to live, free from unlawful discrimination. HOPE advances this mission through education, outreach, enforcement, training, advocacy, and direct assistance to individuals who experience housing discrimination. HOPE has particular interest in decisions concerning source of income discrimination because such decisions directly affect the individuals and communities it serves. As part of its work, HOPE supports victims of source of income

discrimination and assists individuals and families who use housing vouchers as they seek and maintain housing.

- **Housing Action Illinois**, founded in 1986, is a statewide coalition whose mission is to increase and preserve the supply of quality, affordable, accessible homes in Illinois for low- and moderate-income families and individuals. Housing Action Illinois' 200+ coalition members include homeless service providers, housing counseling agencies, centers for independent living, and other affordable housing organizations and advocates. Over the course of many years, Housing Action Illinois was a leader in the successful effort to create source of income fair housing protection in the Illinois Human Rights Act. Since the protections went into effect, Housing Action Illinois has been focused on public education and training efforts, so as to end source of income discrimination and expand housing opportunities.
- **Legal Aid Chicago** is a nonprofit legal services organization that provides free legal representation to low-income individuals and families throughout Cook County, including thousands of participants in the Housing Choice Voucher program. Its Housing Practice Group represents voucher holders in eviction, habitability, subsidy-termination, reasonable-accommodation, and housing discrimination matters, including source of income discrimination claims under the Illinois Human Rights Act and local fair-housing ordinances.
- **Land of Lincoln Legal Aid** is a nonprofit organization that provides free civil legal services to low-income and senior residents in 65 counties throughout central and southern Illinois. For more than 50 years, Land of Lincoln has

assisted thousands of individuals and families with Housing Choice Vouchers and has seen the impact from the difficult, often insurmountable, task of trying to find housing with a voucher especially within the strict deadlines set by HUD and local housing authorities. Through Land of Lincoln's work, it sees firsthand how housing affects every aspect of their clients' lives.

- **The National Housing Law Project (NHLP)** is a nonprofit organization that works to strengthen and enforce tenants' rights, increase housing opportunities for underserved communities, and preserve and expand the nation's supply of safe and affordable homes. Since 1981, NHLP has published *HUD Housing Programs: Tenants' Rights*, the seminal authority on the rights of HUD tenants—including Housing Choice Voucher participants. NHLP also coordinates the Housing Justice Network (HJN) of more than 2,500 legal aid attorneys, advocates, and organizers who have collaborated on important and complex housing law issues for over 40 years. NHLP staff and HJN members have extensive experience advocating for participants in federal housing voucher programs and working to enact and enforce state and local laws prohibiting housing discrimination based on the use of vouchers and other unjustly stigmatized income sources.
- **The Network: Advocating Against Domestic Violence** is a collaborative partnership organization dedicated to improving the lives of those impacted by gender-based violence. The Network has worked tirelessly to end society's tolerance of gender-based violence through public policy and advocacy work, educational opportunities, connecting the public to services, and by providing

centralized resources to service providers in the gender-based violence community for the past 40 years. The Network engages in housing advocacy focused on assisting housing providers in delivering trauma-informed, confidential, and safe services, increasing access to housing for survivors of gender-based violence, and improving system responses to those who are at risk of experiencing homelessness due to gender-based violence. It also works directly with survivors facing barriers to accessing safe housing, including source of income discrimination, due to gender-based violence.

- **Northside Community Resources** (“NCR”) is a 72-year-old private, non-profit service organization. NCR’s mission is to build and strengthen communities on Chicago’s north side, which it fulfills through housing-centric activities and programs, by providing a diverse set of services focused on people with low incomes, seniors, and immigrants and refugees. NCR offers housing counseling services, education and outreach, mediation services and other technical assistance for renters. In its work ensuring equal housing opportunity, it investigates and combats complaints of fair housing violations including source of income discrimination.
- **Open Communities** is a 54-year-old fair housing organization that strives to create more inclusive communities by ensuring that everyone has equal access to safe, stable housing. For several years, Open Communities' top area of fair housing enforcement relates to source of income protections, comprising over 50% of its complaints to human rights agencies. The organization has long

advocated for passage and strengthening of source of income laws to allow low-income families housing choice, mobility, and opportunity.

- **Poverty & Race Research Action Council** (“PRRAC”) is a national civil rights law and policy organization based in Washington, D.C. PRRAC’s mission is to promote research-based advocacy strategies to address structural inequality and change the systems that disadvantage low-income people of color. PRRAC has worked extensively to ensure that state and municipalities take proactive steps to further fair housing and address racial inequality, including through the adoption of prohibitions on source-of-income discrimination.
- **South Suburban Housing Center** (“SSHC”) is the regional nonprofit organization providing fair housing enforcement, comprehensive housing counseling, educational outreach and advocacy services, since 1975 to the south metropolitan Chicago area, underserved areas of central Illinois, and northwest Indiana. SSHC’s programs are dedicated to eliminating all forms of discrimination including source of income in the housing markets it monitors, to foster stable, racially and economically, diverse communities through expanding the housing choices of all people. SSHC’s comprehensive Housing Counseling and Fair Housing Enforcement programs assist individuals with Housing Choice Vouchers to find housing and attempt to ensure that housing providers recognize and comply with fair housing laws.

3. Based upon their collective experience, *Amici* can highlight for the Court the ideas and significant insights not raised by the litigants as to why the Court should overturn

the lower court's decision to essentially invalidate the Illinois Human Rights Act's source of income protections by permitting a property owner to avoid accountability under the law by refusing to enter into a HAP contract. Reversal is necessary to allow for there to be a proper statutory interpretation of the source of income provisions in the Illinois Human Rights Act and for the intent of the Illinois General Assembly when it passed this law to be honored.

4. The proposed is only 35 pages, and *Amici* believe it will not unduly burden the Court. Pursuant to Local Rule 104, on August 9, 2026, Counsel contacted counsel for Timberbrook Realty and Barbara Cole about the proposed brief and asked whether either intended to file an objection. Counsel for Barbara Cole stated that they have no objection to the proposed amicus brief. Counsel for Timberbrook Realty did not respond as of this filing.
5. A proposed order and proposed brief are submitted herewith for filing, in the event the Court allows the Motion.

WHEREFORE, *Amici* respectfully requests this Honorable Court to grant its Motion for Leave to Appear as *Amici-Curiae* and to file a brief instanter in support of the Plaintiff-Appellant Barbara Cole.

Dated: August 13, 2026

Respectfully Submitted,

/s/Katherine E. Walz

Attorney for Amicus

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