STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST FOR REVIEW BY:	)	
KAMAL MALIK,	)	Charge No.: 2020CH2624
	)	HUD No.: 05-20-9420-8
Petitioner.	)	ALS No.: 24-0328

ORDER

This matter coming before the Commission on July 23, 2025, by a panel of three, Commissioners Jacqueline Y. Collins, Janice M. Glenn, and Gregory E. Vaci presiding, upon the Request for Review ("Request") of Kamal Malik ("Petitioner"),[1] of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent") of Charge No. 2020CH2624, and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the dismissal of Counts C and D of the Petitioner's charge is **SUSTAINED** for **LACK OF SUBSTANTIAL EVIDENCE**.[2]

DISCUSSION

On June 17, 2020, the Petitioner filed an unperfected charge of discrimination with the United States Department of Housing and Urban Development, which was perfected on July 20, 2022, and cross-filed with the Respondent, alleging that Mazhar Khan failed to provide a reasonable modification for his son's physical and mental disability, cerebral palsy (Count A), subjected his son to a discriminatory statement because of his disability (Count B), subjected his son to discriminatory terms and conditions of a real estate transaction because of his disability (Count C), and issued him a 30-day notice to vacate in retaliation for engaging in a protected activity (Count D), in violation of Sections 3-102(B), 3-102(F), 3-102.1(C)(1), and 6-101(A) of the Illinois Human Rights Act ("Act"). On July 9, 2024, the Respondent made a finding of substantial evidence as to Counts A and B and dismissed Counts C and D for lack of substantial evidence. The Petitioner filed a timely Request.

[1] In a request for review proceeding, the party filing the request for review is referred to as the "Petitioner" and the Illinois Department of Human Rights is the "Respondent."
[2] This Order is entered pursuant to a 3-0-0 vote by the Commissioners.

The Petitioner stated that he moved into the subject property owned by Khan in May 2019 and lived there with his wife and four children. He said that his son uses a wheelchair and cannot sit, walk, or stand on his own. The Petitioner stated that Khan was aware of his son's disability.

The Petitioner's wife, Ansa Malik, said that it was difficult for their son to get in and out of the house, and they asked Khan to install a ramp in June or July 2019. She stated that, one month later, Khan advised that they could not install a ramp. Malik said that the Petitioner spoke with Kahn in August 2019, and Khan again said that the Petitioner could not install a ramp and that it was "a mistake for him to rent the unit to [the Petitioner]" because [the Petitioner] had a "special child." She stated that, on an unknown date, Khan advised that they had to pay him a $5,000 deposit for the ramp in the event of damage.

Malik said that they were working with an organization regarding installing the ramp, and the organization advised that, if Khan did not give permission, the organization could not pay for the ramp. She stated that, on an unknown date, the Petitioner installed a stainless-steel ramp.

The Petitioner provided a copy of a 5-day notice for nonpayment dated February 5, 2020, for nonpayment of rent from June 1, 2019, through June 30, 2019. He also provided copies of text messages between him and Khan wherein Khan alleged that the Petitioner was $600 short in his April 2020 rent. The Petitioner provided a copy of a 30-day notice to vacate dated June 5, 2020.[3]

Copies of text messages provided by the Petitioner between him and Khan stated that, on March 23, 2020, Khan said that he would not be renewing the Petitioner's lease that was set to expire on May 31, 2020, as one of his family members would be moving into the subject property on June 1, 2020.

Khan stated that none of his other tenants were disabled, and none have ever requested an accommodation or modification. He said that he was not aware that the Petitioner's son was disabled or used a wheelchair. Khan stated that he first learned of the son's disability when he went to the subject property and saw that a wheelchair ramp had been installed. He said that, though the Petitioner did not ask him about installing a ramp, he did not have any objections.

Khan said that, on an unknown date, he provided the Petitioner with a 30-day notice for non-payment of rent, and, about three months later, he provided the Petitioner with a 5-day notice for non-payment of rent.[4] He stated that the Petitioner had been behind on rent prior to the start of the pandemic and any applicable eviction moratorium, and that none of his other tenants had fallen behind in rent.

The Commission determines that the Respondent properly dismissed Counts C and D of the Petitioner's charge for lack of substantial evidence. Under the Act, substantial evidence is "evidence

[3] Though the Petitioner alleged in his charge of discrimination that he received the notice on June 30, 2020, the copy of the notice that he provided was dated June 5, 2020.
[4] Though Khan stated that he issued a notice on May 30, 2020, he did not clarify which notice was issued on this date.

which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance." 775 ILCS 5/7A-102(D)(2). If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. 775 ILCS 5/7A-102(D)(3).

Count C

The Petitioner alleged that Khan subjected his son to discriminatory terms and conditions of a real estate transaction when Khan issued him a 30-day notice to vacate on June 30, 2020, following his request to build a ramp around July 2019. A *prima facie* case of discriminatory terms, conditions, privileges, or services and facilities of a real estate transaction requires that: (1) the petitioner is a member of a protected class; (2) the defendant was aware of the petitioner's protected class; (3) the defendant subjected the petitioner to discriminatory terms and conditions; and (4) the defendant treated a similarly situated person outside of the petitioner's protected class more favorably under similar circumstances. *Turner v. Human Rights Comm'n*, 177 Ill. App. 3d 476, 487 (1st Dist. 1988).

The Commission determines that a *prima facie* case has not been established because there is no evidence that Khan treated a similarly situated person outside of the Petitioner's protected class more favorably under similar circumstances, as neither the Petitioner nor Khan were able to name a potential comparator. Moreover, nearly one year had elapsed between when the Petitioner requested the ramp and when Khan issued the notice to vacate, and Khan stated that none of his other tenants had ever requested a modification or accommodation. Accordingly, the Commission sustains the Respondent's dismissal of Count C for lack of substantial evidence.

Count D

The Petitioner alleged that Khan retaliated against him for engaging in a protected activity. He said that Khan issued him a 30-day notice to vacate on June 30, 2020, in retaliation for his request to build a ramp around July 2019. A *prima facie* case of retaliation requires that: (1) the petitioner engaged in a protected activity; (2) the petitioner was subjected to an adverse action; and (3) there is evidence of a causal connection between the protected activity and the adverse action. *Welch v. Hoeh*, 314 Ill. App. 3d 1027, 1035 (1st Dist. 2006).

The Commission determines that a *prima facie* case has not been established because there is no evidence of a causal connection between the protected activity and the adverse action. Because the adverse action occurred nearly one year after the protected activity, the adverse action was too remote in time to establish an inference of connectedness. S*ee In re Request for Review by: Willie Jones*, IHRC, ALS No. 17-0290, 2019 ILHUM LEXIS 787, *4 (May 21, 2019) (finding six months between protected activity and adverse action too remote to establish inference of connectedness). Though the Petitioner alleged that Khan stated in August 2019 that it was a mistake for him to have rented to the Petitioner because the Petitioner had a "special child," this comment was also too far

removed from the adverse action to raise an inference of connectedness. Accordingly, the Commission sustains the Respondent's dismissal of Count D for lack of substantial evidence.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of Counts C and D of the Petitioner's charge for lack of substantial evidence is hereby **SUSTAINED**.

2. This is a final Order. A final order may be appealed to the Illinois Appellate Court by filing a Petition for Review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Mazhar Khan as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
)
HUMAN RIGHTS COMMISSION)

Entered this 29th day of JULY 2025.

Commissioner Jacqueline Y. Collins

Commissioner Janice M. Glenn

Commissioner Gregory E. Vaci