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Robbie Robinson is a Lymphoma Survivor



Laura Brokaw is a Breast Cancer Survivor

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# Breast cancer patient claims discrimination by landlord

## Woman told she can't renew apartment lease by herself



Mary Ellen Hintz said her landlord at The Sanctuary of Lake Villa told her that because of concerns about her breast cancer medication, she could not sign an apartment lease by herself. (Brian Cassella, Chicago Tribune / September 17, 2010)

By Lisa Black, Tribune reporter

September 17, 2010

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Mary Ellen Hintz has not made it any secret that she has Stage IV **breast cancer**. She is bald from the **chemotherapy** treatments that started in June, but has largely carried on with life as usual.

So she was surprised when she went to renew her apartment lease at The Sanctuary of Lake Villa and was told her disease might pose a problem. The leasing agent said that she could sign up for only one month at a time and that her rent would increase, Hintz said.

When she asked why, she said, she was told her breast cancer medications could make her incapable of understanding and signing a one-year lease. Hintz said she was given several options: move, find a co-

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signer or give her 31-year-old son legal power of attorney so he could sign for her.

"I think this is blatant discrimination," said Hintz, who has been haggling over terms of the lease for the past month.

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Megan Harrington, director for the Fair Housing Center of Lake County in [Waukegan](#), said federal law prohibits discrimination against people with disabilities. While [cancer](#) might not meet the strict definition of a disability, Hintz's situation would likely

be protected under the law, she said.

If the landlord perceived her as a person with a disability, "There would probably be a violation of the (federal) Fair Housing Act," said Harrington, who is not involved in Hintz's case.

Hintz's landlord, Gary Buschman, said he was concerned about the effects of Hintz's medications and feared she is not always lucid based on what he has been told by members of his staff.

After the Tribune began asking questions, Buschman met with Hintz and agreed to allow her to sign a one-year lease, as long as a witness was there to document that she was of sound mind.

"This person was never denied housing and has had multiple options with The Sanctuary of Lake Villa," Buschman said. "Now she is choosing one. And that is great."

Hintz said her monthly rent will go up by \$62, a hike lower than what she was initially quoted.

Monica Fawzy, a lawyer with the Cancer Legal Resource Center's Midwest office in Chicago, said discrimination involving cancer patients "is usually much more subtle" than what took place in Hintz's case.

For example, she said she often hears complaints from cancer patients who are denied specific accommodations, such as a first-floor apartment even if they have trouble walking up stairs.

Discrimination in cases like that is difficult to prove, she said.

"You have to prove the reason they are not getting what they need ... is because of their cancer diagnosis," Fawzy said. "Typically people don't admit it."

Hintz has lived in a two-bedroom apartment for two years at The Sanctuary, which promotes itself with the motto: "It's not just a home... It's a lifestyle." Her lease expires Sept. 30.

Hintz said she couldn't believe that **Buschman, before even meeting her, held such strong concerns about the effects of her medications.**

"I was so startled, I didn't know if they were kidding me," said Hintz, 60, a retired [United Airlines](#) employee and former real estate agent.

"I said **that's between me and HIPAA** (Health Insurance Portability and Accountability Act)," she said, referring to the federal law protecting a patient's privacy.

Buschman had a copy of a letter that states that Hintz shouldn't drive because of the narcotics she is taking as part of her cancer treatment. The letter was written by Hintz's doctor to her attorney so she could avoid a court date in Kenosha for a driving under the influence charge.

Hintz attributed the 2007 DUI charge to her use of a sleep aid, but decried her landlord's use of it in lease negotiations.

"He said, 'We are only looking after your best interests. What if something happens and you can't afford to live here anymore?'" Hintz said. "I said, 'I guess I would have to sublease.'"

Buschman said he is only trying to protect his interests.

"It could be that if she is potentially on narcotic medication, the lease would be voidable by her," he said. "We have had some instances where she appeared to be impaired."

Hintz said she has no idea what he is talking about. She said that she does not drink alcohol or take any medication besides her prescriptions. Both she and her son said she has no history of psychiatric problems.

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Hintz's physician, Dr. Thomas McGowan, provided her with a note that reads: "Mary Ellen Hintz is competent to make decisions regarding her life. Her medications have not and will not alter her mental status."

Hintz lives alone in an apartment filled with artwork and custom-made window treatments. She described herself as a good tenant, but wondered if she angered Buschman by paying her rent over the past two years on the third week of the month, rather than the first — an agreement approved by a former leasing agent.

She said she bounced two rent checks for the first time this summer, but started paying by money order, as required in the lease. She also complained when her air conditioning went out for two weeks in late May, when temperatures reached 90 degrees.

"Besides that, I don't know of anything that could possibly be it," she said. "I don't have parties. I don't have pets. I keep my apartment immaculate all the time. ... I have my wherewithal to know that this is not kosher. But I am sure it's happened to others, and I hate, hate injustice."

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The Cancer Legal Resource Center offers help nationally to people with complaints related to their disease, usually involving insurance, employment and housing. Call 866-THE-CIRC or 866-843-2572 or go to the Web site, [disabilityrightslegalcenter.org/about/cancerlegalresource.cfm](http://disabilityrightslegalcenter.org/about/cancerlegalresource.cfm).

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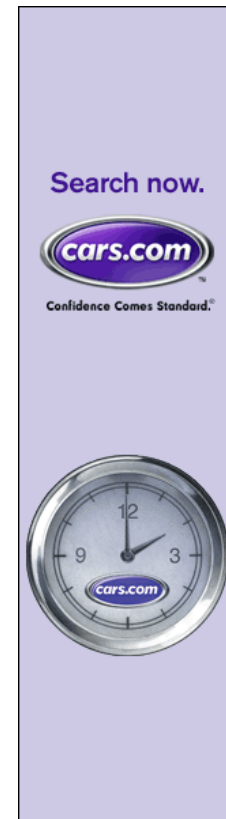
Parrothead88 at 3:20 PM September 17, 2010

Why is no one questioning the DUI? She got a letter from her lawyer saying she couldn't drive to court. What about her son? He couldn't take her? Does this mean that every felon can avoid court with a doctor's note? This isn't gym class! I just wonder what happens now. Will she be punished for the DUI? If this were a guy and he said he couldn't make it to court there would be a warrant for his arrest.

Again, not to sound like a jerk, but the Trib deliberately posted a picture of her without a wig to invoke sympathy. The obvious "tan line" on her head proves she normally wears a wig (or perhaps a scarf) but the Trib chose to show her without. Whether it was her idea or the paper's, it's bias all the same. Finally, why is this story news? The issue resolved itself! She is living there on a year lease, after bouncing 2 checks no less. This serves no purpose except to give bad publicity to the apartment complex.

overhere at 2:35 PM September 17, 2010

The business of America is business. The tenant is free to go find new housing elsewhere.

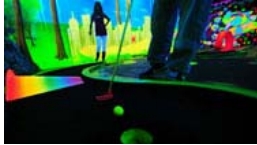


erinococonnell at 11:15 AM September 17, 2010

If this had anything to do with late rent payments, then the landlord would have said so, rather than make up some BS about her being mentally incompetent. Had there been no blatantly discriminatory statement, there would have been no story here. But, telling someone that you won't renew their lease BECAUSE they have cancer is indefensible and outrageous.

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