



MINUTES

HOUSING ADVISORY COMMISSION NAPERVILLE MUNICIPAL CENTER, COUNCIL CHAMBERS MONDAY, JULY 13, 2015 – 6:30 PM

CALL TO ORDER: 6:30 pm by Chair Hilger.

A. ROLL CALL

Commissioners Present: James Bernicky, Raj Durga, Laura Ellman, Ronald Finnigan, Robert Fischer, Michele Hilger, Edwin Hojnacki, Linda Wilhelm, Amy Song

Commissioners Absent: Anuraag Bhargava

Others Present: Kevin Coyne, City Council Liaison to the HAC, Kasey Evans, Allison Laff, Ruth Broder, Julie Smith, Kristen Foley

B. PUBLIC COMMENT

1. Habitat for Humanity Presentation: Single-family Rehab Program Update

Habitat received a \$25,000 grant from the City's Social Services Grant program for single-family home repair. As background, Habitat began their organization by partnering with families that are income qualified (50% of AMI is their target, but they can go up to 80%) to purchase a home with a 0% interest loan and ensuring that homeowners are spending no more than 30% of their income on the home costs. The families are obligated to provide "sweat equity" hours towards work on their home. Habitat finds that they raise the value of surrounding properties by making improvements to existing distressed properties, thereby improving the overall neighborhood.

In recent years, Habitat has additionally offered home repair programs in order to prevent homes from declining and becoming in disrepair or to accommodate additional needs for clients such as the elderly and veterans (i.e. ADA accessibility).

Their outreach efforts in Naperville have been very successful to date. They have 2 confirmed participants and 12 applicants under review and the proposed improvements range in price from \$800 to \$18,000 depending on need.

2. Don Palmer, resident: Mr. Palmer is interested in the Crime Free Regulations being discussed. Mr. Palmer is a CPA and resident of Estes Park. Mr. Palmer has been following this discussion through the Homeowners Confederation and has also

spoken with representatives from Aurora, Elgin (Police), and other communities regarding their existing crime free programs. These communities believe that these programs are valuable regardless of the costs incurred by the City. Mr. Palmer pointed out that costs are being incurred even if a program doesn't exist; in his neighborhood, there was extensive police presence following a murder, prostitution, and other criminal residents.

Certain complexes in Naperville have high crime rates as evidenced through Police blotter. While he does not own any rental property, he has attended the voluntary Crime Free seminar offered by Julie Smith, Naperville Police Department, and found it extremely valuable.

Fischer asked Mr. Palmer if he believes that there is any evidence the murder that occurred in Estes Park would have been prevented if Crime Free was in place. Mr. Palmer said there is no conclusive evidence.

3. Amy Meek, Attorney, ACLU of Illinois: Generally has concerns about the impacts of Crime Free ordinances given first amendment rights, adverse impact to victims, etc. Ms. Meek encouraged the HAC to discuss the problem that is trying to be solved by a mandatory Crime Free ordinance and not just enact a requirement based on its existence in surrounding communities.

Fischer asked about recent state discussions. Ms. Meeks discussed SB 1547; it was passed out of both houses unanimously and is currently pending review by Governor Rauner.

The ACLU offered their assistance to the City and HAC if it is determined that an ordinance should be drafted to enact a mandatory Crime Free program in Naperville.

Finnigan asked if there is any data to support the claim that Crime Free ordinances have adverse impacts. Ms. Meeks referenced a study done by a Harvard professor (Matt Desmond) that found decreased calls to Police in places where crime-free is mandatory. Ms. Meeks will provide a copy of this report, as well as a recent report issued by the ACLU in the past couple of weeks.

4. Judie Caribeaux, Family Shelter Service: Ms. Caribeaux noted that she previously spoke to Commission during the May public forum. Ms. Caribeaux would like to thank HAC and City staff for their efforts in increasing awareness about domestic violence and responding to concerns raised to date. Ms. Caribeaux continues to be opposed to Crime Free ordinances due to the burden placed on the family and/or victims of domestic violence as a result of enforcement of these ordinances. Ms. Caribeaux recommends that should it be determined that a mandatory crime-free program is desired, the City and HAC engage members of the public to co-create an ordinance to protect the rights of victims, as well as community members.
5. Karen Courney, Co-Chair of the City's Senior Task Force: Ms. Courney noted that the taskforce was formed in order to identify the needs of seniors that are not being met. Based on interviews with City residents, the two most pressing needs identified are affordable housing and affordable transportation. Ms. Courney referenced a study done 6 years ago that identified affordable housing needs in the City (currently

provided in HAC website) particularly for seniors; Ms. Courney noted that this study should be updated. Seniors are looking for 2-bedroom ranches with no basements. There are developers that build affordable units in other cities. Current senior proposals in Naperville, such as that proposed by Pulte in the northwest sector of the City, are not affordable.

6. Anne Houghtaling, Hope Fair Housing: Ms. Houghtaling filed a FOIA with another jurisdiction to review their criminal records and the manner they are enforced relative to Crime Free ordinances. Ms. Houghtaling noted that it is important to discuss the problem that is trying to be addressed. Are we using a clever when a fly swatter would suffice? Aurora requires landlords to do criminal background checks; that is important, but it does raise concerns. Other Housing Authorities have experienced legal trouble based on their denial of housing based on criminal records, particularly based on the actual crime that was committed (i.e. some criminal acts warrant permanent bans from housing types; others may not be as severe). The City should ensure compliance with HUD regulations through any ordinance proposed. Ms. Houghtaling handed out a copy of a letter prepared by Shaun Donovan, HUD and an article citing concerns regarding bans on rental due to criminal record.

C. MINUTES

Motion to approve the May 4, 2015 HAC minutes by Commissioner Fischer, Commissioner Hojnacki seconded; approved 8 to 0.

D. OLD BUSINESS

1. None

E. NEW BUSINESS

1. Rental Regulation Discussion:

Kasey Evans provided an overview of the staff report included in the HAC packet.

Coyne asked if the City has considered a Chronic Nuisance Ordinance?

Hilger asked what the current cost of the voluntary program is? What do we expect the cost to be if the program is made mandatory? Julie Smith, Naperville Police Department, indicated that staff has prepared some analysis of staffing and budget impacts based on the variety of programs that could be undertaken. Julie noted that the goal is to make the program cost-neutral to the City (i.e. participants pay fees to cover increased personnel).

Hilger noted her understanding that Aurora has recently increased their fees based on additional staffing needs. Hilger asked if this was a concern given the City's current financial status. Fischer indicated that he believes that any additional costs or bureaucracy are a concern. Finnigan noted that these impacts could be monitored over the review period suggested by staff.

Fischer read a statement that he prepared in response to this topic. Generally, Fischer

finds that the City's efforts on a voluntary program should be increased; however, Fischer is opposed to any additional regulations based on anecdotal evidence and "everyone else is doing it" rationale.

Ellman agrees with Fischer. Ellman believes that the proposed is a solution in search of a problem. Rationale has not provided to justify a mandatory ordinance. Hilger agrees. Hilger believes that many "accidental landlords" are not even aware of the City's existing Crime Free programs and believes that we should increase our marketing efforts of the existing programs to increase participation.

Finnigan disagrees. He believes that a mandatory program is necessary and would even recommend a step further than that recommended by staff. Finnigan has participated in a similar program in another City and saw it as beneficial. Finnigan believes that a voluntary program can only go so far, but will still not reach many of the intended audience and many will also choose not to participate because it is not mandatory (cited NAHC involvement as an example of voluntary participation). Finnigan believes that concerns are maintaining property values in neighborhoods and ensuring safety. Finnigan agrees with notion that we should not adversely impact any groups through this ordinance.

Wilhelm agrees with Finnigan and sees the need to gather additional input.

Ellman asked Finnigan to note the benefits that he experienced through a mandatory crime free program. Finnigan noted the interior inspections that helped to ensure code enforcement, fire safety, maximum occupancy, etc. Finnigan believes more work needs to be done, but that a program is beneficial.

Coyne noted that he sat on the HAC in 2006-2009, during which time they also considered mandatory Crime Free regulations. At that time, concerns were noted by staff regarding staff impact, costs, etc. Coyne cited concerns regarding this program continuing to grow in scope and cost, which will eventually be passed along to the tenants. Coyne prefers a Chronic Nuisance program in order to focus efforts on the problem properties instead of the general rental community.

Motion to direct staff to prepare ordinances reflecting a broader voluntary crime free program, including outreach to accidental and single-family landlords, as well as multi-tenant landlords and review outcomes in 24 months to determine if additional steps need to be taken (Fischer). Motion did not receive a second.

Ellman and Wilhelm indicated a need for a pros and cons list to better understand the issues.

Laff explained that today we have a voluntary crime free program. Do we need something more? Fischer stated we need a better understanding of the existing program.

Hojnacki noted that he is interested in a Chronic Nuisance Program. Coyne believes this program is a more efficient and targeted way to proceed. Coyne maintains concerns with a crime free program given potential litigation, growing scope, and incorrect perception that this program will actually prevent crime.

Fischer referenced the International Property Maintenance Code and indicated that

this code provides all of the tools necessary to enforce common property maintenance concerns (interior and exterior).

Ellman would like to see data: Code Enforcement – rental vs. ownership; and crime rates. Laff provided an overview of the code enforcement findings: cases are not tracked based on ownership status; compliance is largely based on financial ability to make improvements; not a significant difference between owner vs. rental, except that out of state landlords are sometimes difficult to contact to achieve compliance.

Hilger prefers broader education of existing programs before anything further is enacted. Fischer agrees.

Finnigan is interested in establishing a taskforce made up of HAC members and members of the public to collect data and provide additional information to the HAC.

Motion to create an ad-hoc committee, including HAC members and members of the public, to study the issue further and report back to the HAC (Finnigan); motion seconded (Hojnacki).

Discussion:

Fischer indicated that we have all of the information that we need at this point to make a recommendation for Council consideration. Two options: continue with voluntary program and collect additional information; move toward additional regulations.

Wilhelm indicated that HAC may want to take an additional couple of months to review this issue and then report to City Council after September. Wilhelm indicated the need to understand the code enforcement issues more as they are impacting neighborhoods.

Ellman indicated that we need more information about the nature of the problem to understand what we are trying to solve. Laff indicated that it will be difficult to get additional concrete data that defines the problem; we can poll the community to better understand perceptions.

Roll Call on Motion:

Yes: Bernicky, Durga, Ellman, Finnigan, Wilhelm

No: Fischer, Hilger, Hojnacki

Motion Approved (vote 5-3)

Hilger asked for two HAC members to participate on the taskforce. Finnigan and Fischer will participate with Wilhelm as the alternate. Staff will set up meeting dates, times, etc. and notify the public. HAC members should direct any additional requests for information to staff so that they can be discussed by the subcommittee.

2. Naperville Housing Expo Summary

Evans provided an overview of the Housing Expo and recommendations regarding future efforts as outlined in the memo to the HAC included in the meeting packet.

Hilger noted that the first two sessions were very well attended. The last session regarding tenant/landlord relationships was less attended but could be used in the future as an opportunity to further educate the community on the City's voluntary crime free program.

Finnigan commended the City on their efforts. He indicated that additional work could be done in the future to better advertise the event and make it more successful. He expressed interest in continuing efforts into future years.

Wilhelm and Bernicky concurred that it would be good to try again next year.

Laff provided additional information about staff time used to plan the expo (in addition to the extraordinary volunteer efforts of the subcommittee members). Laff also noted that non-profits exist to regularly offer these services to the public. Laff noted that staff's recommendations are based on the notion of best utilizing the staff resources available to provide the most needed information to the public in the most efficient manner possible. Staff does not believe that housing expo format provides the best avenue for this; however, staff sees opportunities to partner with other existing efforts or to offer targeted topic/need driven training opportunities in the future as needed.

3. Analysis of Impediments to Fair Housing Choice Status Update:

Evans provided an overview of the consultant selection for the Analysis of Impediments and next steps. Fischer asked if we are currently working under time limitations. Laff and Broder noted that we are in regular communication with HUD and they are aware of our progress.

Finnigan asked for more information about the AI. Broder provided background.

F. OTHER REPORTS

1. The next Housing Advisory Commission meeting is September 14, 2015.

G. ADJOURNMENT

Motion to adjourn by Commissioner Fischer, seconded by Commissioner Ellman; meeting adjourned at 8:19 pm.