



APPROVED MINUTES
HOUSING ADVISORY COMMISSION
NAPERVILLE MUNICIPAL CENTER, COUNCIL CHAMBERS
MONDAY, JULY 11, 2016 – 6:30 PM

CALL TO ORDER: 6:31pm by Chair Hilger.

A. ROLL CALL

Commissioners Present: James Bernicky, Laura Ellman, Ronald Finnigan, Robert Fischer, Michele Hilger, Edwin Hojnacki, Linda Wilhelm
Commissioners Absent: Anuraag Bhargava, Raj Durga, Rajath Salegame
Others Present: Kasey Evans, Ruth Broder, Councilman Coyne

B. MINUTES

Motion to approve the June 6, 2016 HAC minutes with corrections by Commissioner Fischer, Commissioner Finnigan seconded; approved 6 to 0.

D. OLD BUSINESS: None

E. NEW BUSINESS

1. Analysis of Impediments to Fair Housing Choice – Presentation by Mullin & Lonergan Associates: Initial Findings

Mullin & Lonergan Associates Principal, Marjorie Willow gave a presentation including a general overview of Fair Housing, and preliminary demographic findings for Naperville.

James Bernicky arrived at 6:44pm

F. SPECIAL WORKSHOP

1. Analysis of Impediments to Fair Housing Choice (AI): Initial Findings
 - Fischer: Will the AI correlate the percentage of affordable housing with multi-family housing? Willow: Multi-family tends to be a more affordable housing type.
 - Coyne: What percentage of voucher recipients are seniors? Willow: This will be examined as part of further research. Coyne: Does HUD distinguish between senior

restricted and general affordable housing? Willow: No. Some communities' only affordable housing is age restricted. HUD is working to be ensure more affordable housing available to all ages and family types.

- Public Comment: The key demographic component missing is seniors. There are currently very limited housing opportunities for seniors in Naperville that are affordable; housing is \$400,000+; where is the demographic mapping? Some voucher holders coming from other areas and live in multi-family housing, when seniors really need the housing more. Willow: This presentation is a snapshot of the data analyzed. All demographics and what housing is available to them will be reviewed as part of the study.
- Public Comment: Where do I report a complaint of discrimination? Willow: Fair Housing complaints can be filed with HUD, with the Illinois Department of Human Rights, or with the City of Naperville.
- John McCarthy – Owns an 8 flat; will the Section 8 vouchers apply to the smaller buildings? Hilger: The legal source of income and vouchers topic is going to City Council on July 19. Fischer: There is no ordinance or language currently that includes a threshold for number of units. The Housing Advisory Commission's proposal basically states that Housing Choice Vouchers are included as legal source of income and cannot be discriminated against. The Housing Advisory Commission discussed the topic at their November, January and June meetings. Hilger: There will be opportunity at the July 19 City Council meeting for individuals to share their thoughts about the proposed language.
- Dr. Robert Buckman: There are misconceptions and misunderstandings; is there an education component for residents? Willow: The AI recommendations fall into 4 categories: fair housing education/outreach, ordinarily the easiest and least expensive to do; fair housing enforcement; policy development; and creation of affordable housing opportunities in higher opportunity areas. Most communities need continuing and/or expanded fair housing education.
- Dawn Robinson: The language assumes there is an unfair barrier against minorities, but has not experienced the barrier herself. Poverty is a complex issue and everyone makes choices.
- Carl Schravach: How much more is the consultant going to be involved and how much more details will be available? Willow: There is an online survey to provide additional feedback available on the Housing Advisory Commission's webpage. A draft of the AI will be available for public review and comment around mid-September 2016.
- Finnigan: What is the difference between public and private assisted housing for seniors; will the study look at the explosion of the senior population? Willow: Difference between public and private housing is who owns it. The study will be examining the senior demographic, as well as the demographics that are eligible to reside in the available affordable housing. The study focuses on the demographics that are part of the protected classes.
- Fischer: Will the study drill down to the elderly income level comparison? Willow: Yes, to the extent that they are part of the protected classes.

C. PUBLIC COMMENT

1. Judy Tinsley: Licensed Real Estate Agent
 - Has properties in Aurora and Cook County where the ordinances have been expanded beyond the Federal and State ordinances.
 - Requests the City review other collar counties and cities ordinances to better draft a more egalitarian and comprehensive ordinance for Naperville.
2. Dan Satry: Representative for the Illinois Association of Realtors
 - Opposes the proposed change to the source of income definition that includes Housing Choice Vouchers. Why does the City feel the need to change the ordinance when things seem to be going well right now? Sees more abuse of the voucher program than need in the field.
3. Dick Furstenau: Resident
 - Owns a large apartment building in Naperville and a large number of condo units in Aurora.
 - Has not read or seen anything about the Housing Advisory Commission's recommendation on legal source of income, but read the article in the newspaper.
 - Aurora does not require landlords to accept vouchers; landlords can just say no.
 - Forcing landlords to rent to voucher holders will result in a mess on your hands. Fischer: the Housing Advisory Commission did not recommend that landlords must rent to Housing Choice Voucher holders; rather, they must consider them the same as they would consider any other applicant. The Commission is trying to address potentially covert discrimination, because the people who tend to have vouchers, tend to also be members of the protected classes. The proposed language includes certain protections for landlords, for example to address concerns about the wait time and property repairs, etc.
 - Will the City require an addendum for criminal background check? Fischer: Before being approved for a Housing Choice Voucher, you have to pass a criminal background check.
 - If property owners have to accept vouchers, landlords shouldn't have to rent 100% of the units in a building to voucher holders; there should be a cap on the total number or percent of units in a building after which landlords no longer have to accept vouchers. This would help to disperse vouchers throughout the City. Everyone wants to come and participate in our schools that we have paid serious taxes for and it should not be something that is lightly given away.
4. Dawn Robinson: Resident
 - Property owner and landlord in Cook County; has lived and breathed the landlord's perspective.
 - Be very careful with the language proposed for Naperville. The definition needs to be practical. If property is damaged, the landlord does not have any recourse as a landlord. There can be unexpected consequences such as longer wait times, property damages, etc.
5. Jeff Merinette: Mainstreet Organization of Realtors (MORE)
 - MORE provides thousands of hours of training for members on fair housing.
 - Previously spoke to the Housing Advisory Commission regarding the legal source of income.
 - The absence of choice of tenants can be a problem for property owners; the City should be extremely careful about changing the language.

- Landlords need to be able to select tenants that are best able to pay the rent.
 - The legal source of income protection in the Fair Housing Ordinance is not desirable. Source of income is fundamentally different than the other protected classes; the other classes are people, source of income is not. The proposed language would become a protected class by the language.
 - Would a landlord be in violation if they already rent out 40% of their units to voucher holders and do not want to rent out to any others?
 - The proposed language protects a program, not a person.
 - Hilger: The City is not adding source of income to the ordinance, it already is included in the Fair Housing Ordinance.
 - Councilman Coyne: How are the other top suburban cities addressing this? Is there a City in DuPage County that requires vouchers? Evans: Staff reviewed the Fair Housing Ordinances from over 100 municipalities and counties in Illinois. Chicago, Cook County, Maywood, Oak Park and Urbana all include protections for voucher holders.
6. Steve Dinsen: Resident
- Owns rental properties around the county and on an HOA board in Naperville.
 - Does not participate with any voucher holders on any of his properties.
 - The HOA has covenants that prohibit rentals in the neighborhood, but had grandfathered in past rentals. There are currently some property owners that rent to Section 8 voucher holders; but the HOA wants to change their rule to prevent all rentals in the neighborhood. This would force out the existing tenants at the end of their leases.
7. Kenneth Coles: Executive Director of the DuPage Housing Authority
- Compelled to comment based on the comments heard this evening.
 - Ask that comments be made based on facts, not suppositions. However a number of speakers have made incorrect statements.
 - From the time a landlord presents the unit is ready for inspection based on the minimum standard for decent, safe and sanitary condition of living, to the date of the inspection is on average 3.5 days.
 - It is the landlord's responsibility to manage their property, not the Housing Authority.
 - The definition to include voucher holders does not demand that a voucher holder be approved to rent; the landlord should apply their standard tenant screening criteria to determine if the applicant is suitable for that unit, and if the voucher holder does not pass, the landlord does not have to approve the tenant.
 - There are 2,907 participants in the voucher program in DuPage County, in comparison to the tens of thousands of rental units in DuPage County and Naperville. The voucher program is a drop in the bucket. Naperville has 503 voucher holders in the City.
 - Voucher holders should be held to the same standard as any market rate tenant.
 - Landlords can request rent increases annually for their unit if it is comparable to rents for the same/similar type of units.
 - It's a sad day if we cannot see that voucher holders should have the opportunity to apply to rent a unit.
 - Welcomes the public to visit him at his office to discuss the program.

A member of the audience requested that Mr. Coles attend the City Council meeting on Tuesday July 19, 2016.

Hilger recommended all members of the public attend the July 19 City Council meeting to share their comments on the proposed text amendment.

G. OTHER REPORTS

1. Defining Legal Source of Income – Update

Evans stated the Housing Advisory Commission’s recommendation for defining “legal source of income” is scheduled to be considered by City Council at the July 19, 2016 City Council meeting. The agenda packet for the City Council meeting will be available on the City website by this Thursday.

2. Housing Choice Voucher Education Sub-Committee – Update

Ellman shared that the sub-committee has just held its second meeting about how to go about educate the public and City at large about the Housing Choice Voucher Program.

3. The next regularly scheduled Housing Advisory Commission meeting is September 12, 2016.

H. ADJOURNMENT

Motion to adjourn by Commissioner Finnigan, seconded by Commissioner Wilhelm; meeting adjourned at 7:58pm.