

VILLAGE OF LIBERTYVILLE

**HUMAN RELATIONS COMMISSION**

October 2, 2019  
Libertyville Village Hall  
118 W. Cook Avenue  
5:00 p.m.

**AGENDA**

1. Approval of Minutes
2. Review Inclusionary Housing Ordinance Discussion and Outstanding Questions
3. Review and Prioritize Questions to be discussed with Community Partners for Affordable Housing (CPAH)
4. Other
5. Adjournment

*Any individual who would like to attend this meeting but because of disability needs some accommodation to participate should contact the ADA Coordinator at 118 West Cook Avenue, Libertyville, Illinois 60048 (847) 362-2430.  
Assistive listening devices are available.*

VILLAGE OF LIBERTYVILLE  
Human Relations Commission  
**DRAFT**

Minutes  
September 4, 2019

A meeting of the Human Relations Commission was held on September 4, 2019 at 5:00 p.m. at the Libertyville Village Hall. Those in attendance included Commission Members: Tom Gore, Andy Robinson, Sharon Starr, Wolfgang Josenhans, Duke Ehemann (6:12 p.m.) and David Young. Also in attendance was Deputy Village Administrator Ashley Engemann and David Smith, Senior Planner.

**Approval of Minutes**

Chair Robinson called for a motion to approve the minutes of the August 7, 2019 Human Relations Commission Meeting. Member Young made a motion to approve the minutes, Member Gore seconded. The minutes were approved unanimously.

**Review Inclusionary Housing Ordinance Follow-up Data and Outstanding Questions from August Meeting**

Chairman Robinson stated that the objective of the meeting was to review the data and begin to make some decisions about how the group recommends proceeding.

Ms. Engemann presented a summary of the data. She stated that the primary objective of the research that was conducted was to obtain information regarding area median income benchmarks, which communities have ordinances/plans, salaries of public employees, eligible households and their order of priority. She noted that a survey of neighboring communities was conducted to obtain data. The communities included Buffalo Grove, Deerfield, Geneva, Grayslake, Highland Park, Lake Bluff, Lake Forest, Mundelein, Northbrook, St. Charles and Vernon Hills. Of the eleven communities that were contacted three currently have an Ordinance in place, while four have adopted a plan. Five of the communities are currently meeting the State required affordable housing share and as such were not required to have a plan.

Of the three communities that have adopted an Ordinance all of them use the area median income level for the Chicago area as published by the Secretary of Housing and Urban Development. Two of the community's use 80% for sale units and 60% of rental units. While one of the communities uses 65% for sales units and 50% for rental units.

Each community also includes specifics regarding eligible household criteria by priority. Some communities focus on age while others have an emphasis on current residents and those that work within the community.

Each community has a period of affordability included in their Ordinance. Most include provisions that allow it to be in perpetuity. However, St. Charles allows for it to be continued to lease or rent if income increases above maximum eligible household income but it is subject to limitations.

Density Bonuses were reviewed within the neighboring community Ordinances. These can be done in a variety of ways. Most include maximum percentages and are organized by zoning.

Salary data for public employees and medical professionals were reviewed to understand the possible eligibility requirements for households.

Finally, a series of questions that came up at the previous meeting were discussed with Rob Anthony of Community Partners for Affordable Housing. A summary may be found below:

Q. Have there been challenges to eligibility criteria that he is aware of?

A.-None of the communities locally have been challenged on this. There was a great deal of discussion in Highland Park on this issue when their ordinance was developed, and significant consultation with the legal community and fair housing experts. All agreed that waitlist preferences were allowed. An established waitlist preference for local residents, administered uniformly, is allowed. In practice that means any eligible households can get on the waitlist but applicants with a local preference would move ahead of those without a local preference. This usually results in a local resident getting the available unit.

Q. Could single parent households be added to the eligibility list provided that they income qualify?

A.- Unsure most likely not recommended. Will check with the Fair Housing Authority.

Q. What if a household qualifies on the low to moderate income criteria but has a substantial amount of other financial assets? Does the screening process take this into consideration?

A.- Yes, you can set any asset limit that you'd like. CPAH automatically counts 2% of assets as annual income, so a small portion is accounted for in that manner. However, for most of their programs, they also have an asset limit. The limit they use for most programs is that the buyer's liquid assets after closing excluding college and retirement funds and special needs trust funds shall not exceed 100% of AMI for household size.

Q. Is there a sunset clause or expiration on the affordable requirement for any particular unit, such as 30-year limit, for example?

A.- Most places (including Highland Park, Evanston, and Lake Forest) state "in perpetuity or as long as permissible by law." None of these communities have been challenged on this.

Discussion ensued regarding the data that was presented. Member Starr asked if there is a guideline as to what price the properties can be sold for when they are. Mr. Smith said he would have to check on this.

The group asked if there are recommendations from IDHA as to what can be used for density bonuses. It was noted that there are and those are included in the draft recommendation.

The group asked if CPAH was to provide management of the Village's program what would this look like? Would the Village enter into an intergovernmental agreement with them for their service? Is there a cost for them to provide the service to the Village and what does the service entail?

Member Starr asked why single parent households wouldn't be a permitted category for eligibility. This would have to be discussed with the Fair Housing Authority.

Chair Robinson asked the group to consider a recommendation for what benchmark to use for area median income. The group consensus was to use the IDHA recommendation because that is ultimately what the State will be evaluating the Village on when calculating the Village's affordable housing share. Discussion ensued regarding the terminology low income versus moderate income and whether or not these two should be distinguished between within the Ordinance. It was determined that more information is needed on this and Highland Park's Ordinance should be examined however for now the group recommended keeping one group of moderate income which is 80/60 for now.

Discussion ensued regarding the period of affordability. Consensus was to proceed with in perpetuity or as long as permissible by law.

The group discussed the idea of a density bonus. The Commission felt that staff should present a future recommendation regarding what would be done with a payment in lieu and how it would be structured. It was noted that this could be discussed with CPAH including whether or not this could be managed by them.

David Smith noted that the current draft contemplates a density bonus trigger with 5 or more units and not exceeding a maximum of 115%.

Member Gore asked if the fee in lieu funds to subsidize costs for a developer.

The group discussed eligibility options. Options discussed included people who work in Libertyville not necessarily a resident. Member Gore noted it would help them get into the community and then stay within the community.

Member Starr asked if there are other groups we may want to include in the eligibility list? Some groups to consider individuals who are divorced with families with children currently enrolled in Libertyville schools, some sort of change in circumstance not necessarily due to divorce or death, also have become disabled or are disabled.

Chair Robinson noted that he believes we want to keep residents in Libertyville if possible, people who work here should have an opportunity to live here and look at the group of residents that are seniors that are downsizing.

Member Young stated that we should look at using the fee in lieu funds to help keep people in their homes by offering low interest loans for upkeep of existing homes.

Consensus from the group was not to necessarily limit it to those who work in Libertyville to Village employees.

Chair Robinson asked that for the next meeting for the group to think more about the eligibility requirements as well as how diversity may be included. He would like to have one more meeting in October to wrap up the questions that the group has and then invite CPAH to the November meeting. He would like to generate a list of questions for CPAH during the October meeting so that CPAH can present information specific to the groups questions.

David Smith asked the group if they are all in agreement that an Ordinance is needed. Consensus was that an Ordinance is needed.

**Other**

None.

**Adjournment**

Member Young made a motion to adjourn the meeting and Member Starr seconded the motion. The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Ashley Engelmann  
Deputy Village Administrator



## Memorandum

**To:** Human Relations Commission

**From:** Ashley Engelmann, Deputy Village Administrator

**Date:** September 25, 2019

**Subject:** Inclusionary Housing Ordinance Components

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### **Background:**

At the September 4, 2019 Human Relations Commission meeting several components of an inclusionary housing ordinance were discussed. Below is a summary of items in which the group reached consensus and items that require continued discussion.

### **Group Consensus**

- The IDHA area median income data should be used due to the fact that it is the data that the State will be evaluating the Village on when calculating the Village's affordable housing share
- The property should remain with the owner/tenant in perpetuity or as long as permissible by law
- The Village should proceed with drafting an Ordinance

### **Outstanding Questions/Questions for CPAH**

- Could single parent households be added to the eligibility list provided that they income qualify?
- Is there a guideline as to what price properties can be sold for when they are sold?
- Can CPAH manage the Village's program, if so what would this look like?
- Would the Village enter into an intergovernmental agreement with CPAH for their service?
- Is there a cost for CPAH to provide the service to the Village?
- Low income versus moderate income and whether or not these two should be distinguished between within the Ordinance
- staff should present a future recommendation regarding what would be done with a payment in lieu and how it would be structured. It was noted that this could be discussed with CPAH including whether or not this could be managed by them

- It was determined that more information is needed on this and Highland Park's Ordinance should be examined, however for now the group recommended keeping one group of moderate income which is 80/60
- Staff should present a future recommendation regarding what would be done with a payment in lieu and how it would be structured.
- Could CPAH manage pay in lieu funds
- Eligibility and priority- consensus that it shouldn't be limited to just employees of the Village, should include keep residents in Libertyville if possible, people who work here should have an opportunity to live here and look at the group of residents that are seniors that are downsizing. Look at other possible groups such as disabilities or change in status that would require a move- especially as it relates to children who are already in the schools