

VILLAGE OF LIBERTYVILLE
Human Relations Commission
DRAFT

Minutes
August 12, 2020

A meeting of the Human Relations Commission was held on August 12, 2020 at 5:00 p.m. virtually through GoToMeeting. Those in attendance included Commission Members: Sharon Starr, Tom Gore, Wolfgang Josenhans (5:06 p.m.), David Young, Rashied Davis, Brenda O'Connell and Jennifer Rich. Also, in attendance was Trustee Donna Johnson, Senior Planner David Smith and Deputy Village Administrator Ashley Engelmann.

Approval of Minutes

Chair Starr called for a motion to approve the minutes of the July 22, 2020 minutes as amended. Trustee Johnson made a motion to approve the minutes, Member Gore seconded. The minutes were approved unanimously.

Attainable Housing Ordinance

David Smith, Senior Planner and David Pardys, Village Attorney introduced themselves to the group.

Chair Starr began by reviewing the draft Ordinance section by section. She asked the group if they had any questions or comments.

Attorney Pardys explained to the group what the purpose of the "Where As" clauses are in the Ordinance. He noted that the purpose is to provide the reason for the Ordinance, and the authority under State law for the action.

Deputy Administrator Engelmann noted that the Commission has met twice with the Executive Director of Community Partners for Affordable Housing ("CPAH") to provide education and guidance on developing the Ordinance. CPAH has worked with many communities to help them draft their Affordable Housing Ordinances as well as to implement affordable housing within communities.

Trustee Johnson stated that in reviewing the summary memo she noticed that several communities do not have Affordable Housing Ordinances, but rather housing plans. She asked if CPAH had thoughts about using a template Ordinance from Highland Park and Lake Forest as a basis for the Libertyville Ordinance.

Deputy Administrator Engelmann responded that many of the communities that do not have Ordinances have done this by design. They want to have a little more flexibility when negotiating with developers, however many of these communities are Home Rule. She also stated that the Highland Park and Lake Forest Ordinances have become a model for many communities who are drafting Ordinances due to the success of their programs.

Attorney Pardys confirmed that the process was started by modeling the draft from the Highland Park Ordinance.

Trustee Johnson noted that she wants to ensure that when using Highland Park as a model Ordinance we make sure that we make it fit for the specific needs of Libertyville.

Member Rich commented that in referring to the last Human Relations Commission ("HRC") discussion where the importance of diversity, inclusion and affordability was discussed when reading the draft Ordinance, it appears to prioritize existing residents of Libertyville almost exclusively. This does not allow for the expansion of those that may aspire to live in Libertyville. If one of the goals of the HRC is to try to invite others into the community then the group should think about possibly adjusting the priority list or possibly removing it from the Ordinance.

She also suggested that if a priority list is still preferred that the group could consider placing the priority list in another location that is not within the Ordinance so that there is more flexibility to change it when necessary.

Chair Starr noted that the intention of having a priority list was to assist with selecting applicants for the affordable housing units. She asked that staff weigh-in on whether it is required.

Deputy Administrator Engelmann stated that the priority section is common in other community's Ordinances and that is how it originated within the Ordinance but that she did not believe there was a legal requirement to include it.

Attorney Pardys confirmed that there is no requirement in the State statute to have a priority list in the Ordinance. The Ordinance is based on the Affordable Housing Act. The main factor is ensuring that applicants meet the income requirements.

Senior Planner Smith added that one of the reasons the priority list was created was based on the notion that when a resident was ready to downsize it may be difficult for them to stay in Libertyville or buy back into the community.

The Commission continued to review the draft Ordinance.

Attorney Pardys noted that Section 12-72 discusses what types of developments would fall under the Ordinance. Not everything that is built in the community would be covered under the Ordinance.

Chair Starr commented that we could use funds from fee in lieu monies to develop scattered affordable housing sites within the community.

Member Davis asked what the Village's responsibility is for bringing homes up to code that are purchased for affordable housing as well as what the maintenance responsibilities of the Village are.

Deputy Administrator Engelmann explained that CPAH would work with the Village to refurbish and bring the homes up to code. Often communities will target homes with code enforcement issues to acquire.

Chair Starr moved to Section 12-79 regarding income eligibility.

Member Gore asked for clarification regarding affordable housing vs. low income housing.

David Smith, Senior Planner explained how AMI works in terms of moderate-income families. The baseline comes from the Illinois Housing Development Authority ("IHDA"). 80% of AMI is the maximum household income for a home purchase and is also based on the number of persons in the household. The affordable purchase price is established based on this.

Attorney Pardys noted that the eligibility for income level goes from 0% to 80% AMI which includes both low- and moderate-income families.

Member O'Connell asked if the old members could provide some background for the new members on where the priorities originated.

Deputy Administrator Engelmann responded that the group used sample priority sections from many different Ordinances and evaluated them for inclusion within the draft as well as the order of the priorities. She also stated that the group wanted to ensure that children who were currently registered in the school system but whose family had a change in circumstance which would make them have to leave the community be considered as a priority.

Trustee Johnson added that we need to make sure that the sample priorities that were considered and ultimately were included in the draft Ordinance fit the need for the community. We need to determine if we want priorities in the draft Ordinance.

Member Gore commented that there needs to be something available to be used as a guideline for making decisions for who is selected for affordable housing units. In terms of the actual priorities there was a lot of discussion in the meetings. We looked at sample priority lists from other Ordinances, but we also tried to incorporate the goals of the committee. One of the guiding principles was about affordable housing.

Attorney Pardys noted that the priority list has evolved over several meetings in terms of the number of categories as well as the matter in which they were prioritized.

Member Josenhans added that during the discussions we wanted to make sure that we did not exclude anyone from the priority list. We tried to make the list as broad as possible.

Member Rich asked if there was another body that could develop or work on the priority list or that may have more flexibility with modifying it when necessary.

Attorney Pardys stated that we do not have another entity.

Deputy Administrator Engelmann noted that what has been discussed is the concept of making the HRC both the Human Relations Commission and the Housing Trust Board. It would involve the same group of members with two different Chairs. The group could call a meeting under either body.

Member Gore suggested that the group look at removing the actual priority list in the Ordinance but maintain a reference to it. It could then be reviewed on an annual basis.

Discussion ensued regarding not including a priority list within the Ordinance to maintain flexibility.

Member Davis noted that he is reminded of the question that was raised at the last meeting which was: Is the goal of the Ordinance to offer those the ability that couldn't otherwise afford a home in Libertyville the opportunity to live here or to keep people here who already are here? He noted that the answer at the last meeting that was given is both. If we keep the priorities in the Ordinance and they are heavily weighted towards keeping current residents here how does that achieve the goal of making Libertyville attainable for others?

Chair Starr asked if we were to remove the priority list then who will be the entity that will manage the process of selecting chosen applicants.

Deputy Administrator Engelmann responded that it is anticipated that CPAH would be the entity managing the waiting list for housing. She suggested that we could ask Rob Anthony from CPAH to attend the next meeting to discuss priority lists and the pros and cons of including them in an Ordinance.

The Commission agreed to ask Mr. Anthony to attend a meeting.

Member O'Connell commented that as part of the discussion we should look at options for a priority list and how it would or could be weighted. Currently there is an order for the priorities. She suggested that we look at options such as points on an application if certain categories are met, lotteries, etc. We should look at more variability as well as not including the list within the Ordinance.

Member Gore asked if there are any examples of places in the Village Code where we reference a list, but the actual list is not within the Code.

Deputy Administrator Engelmann responded with an example of the Annual Fee Ordinance.

Attorney Pardys confirmed that a list could be referenced in the Ordinance which would be reviewed annually by a separate body.

Member Gore noted that as part of the HRC's recommendation regarding the Ordinance the HRC can recommend an annual review of the priority list by the HRC or Housing Trust Board.

Trustee Johnson also reminded the group that any time a recommendation is put forward by a recommending body to the Village Board the Chair typically is asked for comments for the record on why the recommendation is being made. There are also multiple opportunities for the public to comment during different levels of the legislative process.

Chair Starr asked the group if anyone is opposed to eliminating the priority list from the draft Ordinance.

The group's consensus was to invite CPAH to the next meeting to hear their experiences with priority lists before deciding.

Member O'Connell also noted that we will want to have an evaluation process for the Ordinance once it is in place to ensure that it is working as intended.

Member Rich noted that we want to maintain flexibility given that we have not begun our small group listening sessions and we know that affordability may be a topic that comes up.

Deputy Administrator Engelmann asked the group to send any other questions for CPAH to her so that she can give them advance notification for the meeting.

Member Gore commented that the community is fairly built-out. He asked what the impact will be of the Ordinance.

David Smith, Senior Planner responded that having an Ordinance in place is important for the land that is available for development. Currently the only way affordable housing can be negotiated during a development process is under the Special Use Permit.

Other

Deputy Administrator Engelmann reminded the group that we will be meeting on September 2 at 5:00 p.m. to review survey data. She noted that approximately 450 responses have been received.

Adjournment

Trustee Johnson made a motion to adjourn the meeting and Member Davis seconded the motion. The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Ashley Engelmann
Deputy Village Administrator