

AGENDA

HOUSING AND HOMELESSNESS COMMISSION

Thursday, April 8, 2021
7:00 PM (Remotely via Zoom)

As the result of an executive order issued by Governor J.B. Pritzker suspending in-person attendance requirements for public meetings, the HHC Commission members and City staff will be participating in this meeting remotely. Due to public health concerns, residents will not be able to provide public comments in-person at the meeting.

Those wishing to make public comments may submit written comments or sign up with the public comment form, by 5pm the day of the meeting, to provide public comments by phone or video during the meeting, or by calling/texting 847-448-4311.

Public comment form: <https://tinyurl.com/ycv36ne7>

Join Zoom Meeting:

<https://zoom.us/j/94842610810?pwd=UUx4QmRJZ1hhdHp3VnpCbkpjcllxZz09>

Passcode: 156659

Or join by phone:

Dial: +1 312 626 6799

Webinar ID: 934 2748 7932

Password: 156659

1. **CALL TO ORDER / DECLARATION OF A QUORUM**
2. **SUSPENSION OF RULES:** Members participating electronically or by telephone.
3. **NEW/OTHER BUSINESS:** Discussion of changes to:
 - a. The City's Residential Landlord Tenant Ordinance to incorporate aspects of Cook County Ordinance effective June 1, 2021
 - b. The City's model lease to mirror RLTO and lease addendum

Order & Agenda Items are subject to change.

- c. The City's Human Rights Ordinance to incorporate Cook County's Just Housing amendment
- 4. **PUBLIC COMMENT**
- 5. **APPROVAL OF MEETING MINUTES** for February 4, 2021
- 6. **STAFF UPDATES:**
 - a. Metropolitan Tenants Organization (MTO) Tenant-Landlord Services Report
 - b. Other
- 7. **ADJOURNMENT:** The next meeting of the Housing and Homelessness Commission is currently scheduled for Thursday, May 6, 2021 via a virtual meeting. That information will be provided on the meeting agenda.



Memorandum

To: Members of the Housing & Homelessness Commission

From: Sarah Flax, Housing & Grants Manager
Marion Johnson, Housing and Economic Development Analyst
Meagan Gibeson, Housing & Economic Development Analyst

Subject: Discussion of potential changes to the City's Landlord Tenant Ordinance, Model Lease, and Human Rights Ordinance to incorporate elements of Cook County's Landlord Tenant Ordinance effective June 1, 2021 and the Just Housing Amendment to its Human Rights Ordinance

Date: April 8, 2021

Summary

Staff seeks guidance from the Housing and Homeless Commission on what changes to incorporate in the City of Evanston Residential Landlord Tenant Ordinance (RLTO) and Human Rights Ordinance (HRO) based on the recently approved Cook County Landlord Tenant Ordinance effective June 1, 2021, and the Just Housing amendment to the Human Rights Ordinance already in effect. Staff has collaborated with the Metropolitan Tenants Organization and Lawyers Committee for Better Housing, with whom the City contracts for landlord tenant services, and is taking into consideration work undertaken in 2019 by City staff on an addendum to the City's model lease so updates to these related ordinances are made simultaneously rather than piecemeal. Following input from HHC, staff will update the ordinances and model lease for consideration and approval by the Planning and Development Committee and City Council at the earliest practicable P&D and City Council meetings.

Changes to City of Evanston Residential Landlord Tenant Ordinance

On January 28, 2021, Cook County passed the Residential Tenant Landlord Ordinance, which outlines important provisions. These include protections against illegal lockouts, the prohibition of excessive move-in fees and security deposits; and limits on interest rates on late payments, among other new safeguards and guidance. The ordinance goes into effect June 1, while the lockout provision was in effect immediately upon approval by Cook County Commissioners.

Evanston, Chicago, and Mount Prospect are the only municipalities in Cook County that are exempt from this ordinance because each has a RLTO already in effect. These three ordinances were used as the basis for the Cook County ordinance so have substantial similarities, as well as additional protections, such as limits to fees on late rent payments that are not in Evanston's

RLTO, which has not been updated since 2016 to reflect new challenges facing residents and landlords due to changes in the rental market.

The following additions and changes to the City's RLTO are proposed for the HHC's consideration to ensure that the challenges faced by low-income renters, particularly BIPOC, are addressed and their opportunities to achieve stable housing are increased. Provisions also address longstanding challenges for landlords and property managers, including complying with the current requirements for security deposits. Proposed updates seek to prevent unscrupulous practices, address barriers to long term housing stability, and ensure safe housing conditions. Proposed changes to the ordinance would stipulate the following (further details can be found in the attached fact sheet):

- Requires that **move-in fees** be reasonably related to actual expenses.
- Limits **late fees** on rent payments.
- Prevents the renaming or replacement of **security deposits**, and **removes interest payments** on those deposits.
- Adds **foreclosure and utility disclosures** to ensure tenants are aware of these important issues before signing a lease.
- Adjusts period required to **effect a cure** to be consistent with Cook County.
- Balances the needs of landlords with the ability of tenants to apply for rental assistance by adding a **one-time right to pay**.
- Increases **notice period for lease renewal** particularly for long term residents.
- Requires **attachment of a summary of the ordinance in plain language** to rental leases rather than the entire ordinance.

Model Lease and Lease Addendum

Additionally, staff recommends making changes to Evanston's model lease and lease addendum for landlords to mirror the RLTO, lease addendum and [Nuisance Premises Ordinance](#).

Just Housing Amendment to Human Rights Ordinance

Changes are proposed to Evanston's [Human Rights Ordinance](#) to include Cook County's [Just Housing Amendment](#) to provide important protections for residents with criminal histories.

Attachments:

- Fact Sheet: Updating the Evanston Residential Landlord and Tenant Ordinance
- Link to: [Evanston's Current Residential Landlord Tenant Ordinance](#)
- Link to: [Cook County Residential Landlord Tenant Ordinance](#)
- Link to: [Evanston's Model Lease Agreement](#)
- Link to: [Cook County's Just Housing Amendment](#)

Updating the Evanston Residential Landlord and Tenant Ordinance (April 2021)

Current Provision	Proposed Provision	Explanation
No limitation on move-in fees.	Defines move-in fees and requires that they be reasonable related to actual expenses.	Some landlords have increased move-in fees above the amount reasonably related to the costs to the landlord or moving in, perhaps to avoid security deposit requirements. Brings Evanston in line with Cook County RTLO.
No limitation on late fees.	Limit late fees to \$10 on \$1000 monthly rent; 5% on amounts over \$1000.	Late fees make catching up on late rent difficult for modest income tenants. Proposed formula consistent with Cook County RTLO.
Contains security deposit protections but does not prevent renaming deposit to avoid requirements. 5-3-5-1.	Specify that security deposits may not be renamed to avoid requirements.	Unfortunately, some landlords seek to avoid duly approved ordinance requirements by changing the terms. This provision brings ordinance in line with Cook County RTLO.
Contains some disclosure requirements. 5-3-5-2.	Add disclosure requirements for utility costs and foreclosure.	Tenants are at a disadvantage without knowing important issues about a potential rental, such as utility costs and whether a foreclosure has been filed.
Thirty day period to cure unless 3 or fewer units, then 48 hours. 5-3-6-1.	Even out wide divide between 30 days and 48 hours to 10 days for all.	While 48 hours is too short for tenants to effect a cure, 30 days is quite long. Ten days' notice is consistent with Chicago and Cook County.
Ten day period to cure non-payment. 5-3-6-1.	Add one-time right to pay and stay that lasts to court judgment.	Ten days' notice is insufficient for low income tenants to access rental assistance. Making the provision applicable only one time balances needs of landlords to be paid. If landlord has filed court case, tenant required to pay filing fees. Included in Chicago Fair Notice Ord. and Cook County RTLO.
Notice of lease non-renewal requires 30 day notice. 5-3-8-3.	Increase notice to 60 days for tenancy of 1-3 years and 120 days for tenancy of more than 3 years.	Thirty days' notice is insufficient for tenants any tenants, especially tenants who have lived in the property for a long period – longer notice is important for families with children, seniors, and people using Housing Choice Vouchers. Included in Chicago Fair Notice Ord.
Attach full ordinance to lease. (5-3-10)	Attach approved summary.	More likely that landlords and tenants will understand a plain language summary (to be drafted by City staff).



MEETING MINUTES
HOUSING AND HOMELESSNESS COMMISSION
Thursday, February 4, 2021 at 7:00 P.M.
Remotely via Zoom

Present: Chair Larry Donoghue, Monika Bobo, Kathy Feingold, Renee Phillips, Ald. Eleanor Revelle.

Absent: Ellen Cushing, Moika Long.

Staff: Sarah Flax, Housing and Grants Manager, Marion Johnson, Housing and Economic Development Analyst, Meagan Gibeson, Housing and Economic Development Analyst.

Call to Order

Chair Donoghue called the meeting to order at 7:04 PM with no quorum present.

New/Other Business

Staff presentation made to City Council on the City's response to the impact of COVID-19 on the homeless and unstably housed populations, changes in housing trends, and accomplishments toward affordable housing goals was made.

Declaration of a Quorum

Chair Donoghue declared a quorum at 8:09pm.

Suspension of the rules

Ald. Revelle moved suspension of the rules to allow for members to participate electronically or by phone. Commissioner Feingold seconded the motion; the motion was approved 5-0.

Public comment

Tina Paden asked about the status of CPAH application for home repairs, the number of affordable units lost in recent years, and inspections for Accessory Dwelling Units.

Approval of Meeting Minutes

Commissioner Feingold moved approval of the October 1, 2020 minutes. Ald. Revelle seconded the motion. The minutes were approved on a 5-0 vote.

Approval of Housing and Homelessness Commission 2021 Meeting Schedule

Ald. Revelle moved approval of the 2021 Meeting Schedule. Commissioner Feingold seconded the motion. The minutes were approved on a 5-0 vote.

Program Updates

Staff provided updates on reports from Metropolitan Tenants Organization/Lawyers Committee for Better Housing on Landlord tenant assistance, and Community Partners for Affordable Housing on the IHO waitlist, as well as potential changes to the City's landlord tenant ordinance based on Cook County's new ordinance..

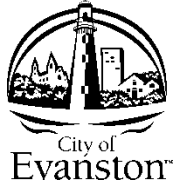
Adjournment

There being no more business before the commission, Ald. Revelle moved to adjourn, Monika Bobo seconded the motion; it was approved 5-0 at 8:43 PM.

The next scheduled meeting of the Commission is Thursday, May 6th, at 7:00 PM via Zoom.

Respectfully submitted,

Meagan Gibeson
Housing and Economic Development Analyst



Memorandum

To: Members of the Housing and Homelessness Commission

From: Meagan Gibeson, Housing and Economic Development Analyst

CC: Sarah Flax, Housing & Grants Manager; Marion Johnson, Housing and Economic Development Analyst

Subject: Updates from Metropolitan Tenants Organization: Landlord Tenant Services Report

Date: April 8, 2021

Summary:

The Landlord Tenant Services Report provides a snapshot of the Landlord-Tenant activities and services provided by the Metropolitan Tenants Organization and Lawyers Committee for Better Housing (MTO/LCBH) through February 28, 2021.

Landlord-tenant contact or call volume for Oct. 2020 through February 2021 was 161, which is about the same as last year for the same period (160). However, MTO received many more calls in the October - December period and saw a fairly big slow down in January - February as compared to last year.

Changes in the conditions or needs that result in calls/cases from tenants and landlords versus prior year:

- Large drop in maintenance calls (-16%, or 36 down from 43 last year for the same period)
- Large increase in evictions and security deposit calls (+60%, or 38 down from 62) compared to last year
- Large drop in disturbances calls (-81%, or 4 down from 21) compared to last year

In previous years, maintenance issues generated the largest numbers of cases, but this year we are seeing a significant rise in calls related to eviction. Many callers require assistance with more than one issue, and individual cases often involve multiple contacts by phone and email.

MTO/LCBH report increased activity around looking for rent assistance, with MTO providing renters direction on where to apply for assistance. Increased activity is also reported around lease terminations or renewals (from both tenants and landlords). Additionally, MTO fielded more landlord-initiated calls.

The attached chart shows the number and types of cases by quarter from October 2020 through February 2021.

Attachments:

2021 MTO Landlord-Tenant Services Report

Date

4/2/21

CITY OF EVANSTON TENANT-LANDLORD SERVICES REPORT

Category	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Total
Maintenance	6	12	3	6	9								36
Eviction	7	6	5	4	9								31
Notices	1	2	0	0	0								3
Disturbance	6	3	1	0	3								13
Security Deposits	1	2	0	0	1								4
Lease	6	10	3	5	7								31
Early Termination	9	5	3	5	3								25
Pests	0	0	0	0	0								0
Utilities	2	1	3	3	5								14
Subleases	0	0	0	0	0								0
Foreclosure Eviction	0	0	0	0	0								0
Lock Out	0	1	2	0	0								3
Total	38	42	20	23	37	0	0	0	0	0	0	0	160

Quarterly total	100	60	0	0									
Monthly Averages	33	20	0	0	32								

	2019	2020	2021
Mediation cases			1
Eviction legal assistance			
Trainings	3	3	2

	Cases	% of total
Landlord initiated	17	15.32%
Tenant initiated	94	84.68%
Total	111	100.00%