



AGENDA
Planning & Development Committee Housing Sub-committee
November 10, 2022
Virtual
5:00 PM

Those wishing to make public comments may submit written comments in advance or sign up to provide public comment in-person during the meeting by completing the [online comment form](#), or by calling/texting 847-448-4311.

Join via Zoom:

<https://us06web.zoom.us/j/86385366543?pwd=Z3VZd085WTh5aGx2cUJ3K21WclJTQT09>

Passcode: 114414

Or Join by phone:

Dial: +1 312 626 6799

Webinar ID: 863 8536 6543

Passcode: 114414

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I. CALL TO ORDER/DECLARATION OF A QUORUM

II. SUSPENSION OF THE RULES

Members participating electronically or by telephone.

III. APPROVAL OF MINUTES

- A. **Meeting Minutes of October 25, 2022**
[Draft October 25, 2022 Meeting Minutes](#)

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IV. PUBLIC COMMENT

V. ITEMS FOR DISCUSSION

- A. **Definition of Family and 3-unrelated Rule**
- B. **Spacing Regulations for Certain Zoning Uses - Group Homes and Congregate Housing**
- C. **Registration Improvements and Modifications Update**

VI. ADJOURNMENT

I. Family/Three Person Rule

Reconsider/eliminate/replace the term “FAMILY.” Legally, the term household can be interchanged with family. Considering the current climate and the different situations of living relationships the use of “household” is more appropriate, inclusive and logical.

Revising/Eliminating/Replacing Definition of Family

Evanston's Current Definition:

(A) Type (A) Family: One or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.

(B) Type (B) Family: Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

(C) Type (C) Family: A group of not more than three (3) unrelated persons living together as a single housekeeping unit in a dwelling unit.

(D) Type (D) Family: A group of two (2) or more persons containing within it one or more families, as defined in subsections (A) and (B) of this definition, including a husband and wife married to one another and their children, as well as adults, living together in a dwelling unit as a single housekeeping unit and management, in premises in which the adult occupants are affiliated with a bonafide not for profit corporation organized for religious purposes chartered by the state of Illinois, that owns or rents the property and has been in existence for at least five (5) years prior to seeking certification by the director of planning and zoning as provided herein; provided, that in no case shall the total occupancy of the dwelling unit exceed two (2) persons per bedroom, nor shall the premises be utilized for religious public assembly. This type (D) family may occupy a dwelling unit only in accordance with the procedures in section 6-4-1-14 of this title.

Proposed revisions to definition:

“HOUSEHOLD”

DEFINITION:

Type 1: A household consists of two unrelated individuals in a domestic partnership living as a single housekeeping unit along with their children including step children, adopted children, and children under guardianship; or any person living alone or any number of people related by blood, marriage, adoption, or guardianship; or up to three unrelated individuals not living in a domestic partnership as a single housekeeping unit.

Type 2: A group of two (2) or more persons containing within it one or more households, as defined the first two subsections of Type 1 of this definition, as well as adults, living together in a dwelling unit as a single housekeeping unit and management, in premises in which the adult occupants are affiliated with a bonafide not for profit corporation organized for religious purposes chartered by the state of Illinois, that owns or rents the property and has been in existence for at least five (5) years prior to seeking certification by the director of planning and zoning as provided herein; provided, that in no case shall the total occupancy of the dwelling unit exceed two (2) persons per bedroom, nor shall the premises be utilized for religious public assembly. This household may occupy a dwelling unit only in accordance with the procedures in section 6-4-1-14 of this title.

Discussion: Eliminate current family type D/ Type 2: Suggest wording similar to "Other occupancy requests that do not align with the definition above must be presented to the Zoning Department for consideration and authorization.

II. **Establish Spacing Regulations:** For Group homes and congregate housing within Evanston.

III. **Registration Improvements and Modifications Update.**

A. **Registration Roster and Amnesty:** City Staff had suggested using the 311 site to track notifications made by the public regarding unregistered properties. Status of the Roster/Map of existing registered properties. Additionally status of Amnesty suggestion.

B. Re-Inspection upon Substantive Change: Currently if a property is being registered as a "permanent" rental an inspection is required. Suggested modification would include a re-inspection at any time there is a change including ownership change. Also include language that limits the permanent designation or properties that are not designated as multi-family (4 units or less) to a specific owner. If change of ownership occurs, the City should be able to deny that the dwelling can no longer continue as a rental unit if the density of the rental unit exceeds a certain number of units in an area. Other municipalities require the inspection and registration at the time when properties change hands.

C. Increase the Delay in Registration Penalty: Some communities have increased the fines to \$2500 per day (Hammond Indiana) for failure to register, and \$500 for late filing. However, that may not be necessary because our ordinance does not appear to distinguish between registration and annual registration, so the \$75.00 per day should prevail.

D. Add Listing of Tenants: The registration process for some municipalities reviewed required a listing of tenants. This listing must be updated whenever the tenants change. Some also include the provision that a landlord is unable to rent to a student that will sublet to other students.

Notes

1. **Definition of Family is Legal - Supreme Court**: Including a definition of "Family" (or "Household") is appropriate for a City and supported with Supreme Court decision in Village of Belle Terra vs Boraas, 416 U.S. 1 (1974).
2. **Primary Reason for Definition of Family is City Control**. Evanston would lose the ability to regulate group homes, and become unable to protect vulnerable residents from abusive predatory practices, and potentially become subject to degradation of tenants' living conditions and neighborhoods. The City should be able to make deliberate strategic planning of density, not merely reactive to market forces.
3. **Special Use is Permitted in R4a Districts**: Many of the individuals that have spoken during public comment could still go forward with establishing their group homes of "like minded women" or "limited enrollment for LGBTQ community". But a special permit would need to be requested. This allows the City to control the number and spacing of such residences in a particular area

to ensure successful integration with the community. This would help curtail the current unnatural escalation of housing costs. (See R4a Regulations)

4. **Concerns about Enforcement** - No matter what regulation is in place, there is the need for enforcement.
5. **Reinforce Evanston's Commitment to Affordability for Families** - Evanston is increasingly perceived as anti-family focusing more on fringe and individual issues rather than fostering a community of stable families. Maintaining a definition of family protects the removal of housing from the pool of available homes for families.

[allowed uses - by zoning district](#)

MEETING INFORMATION FROM OCTOBER 25, 2022

Updates on Rental Registration and Inspection Items

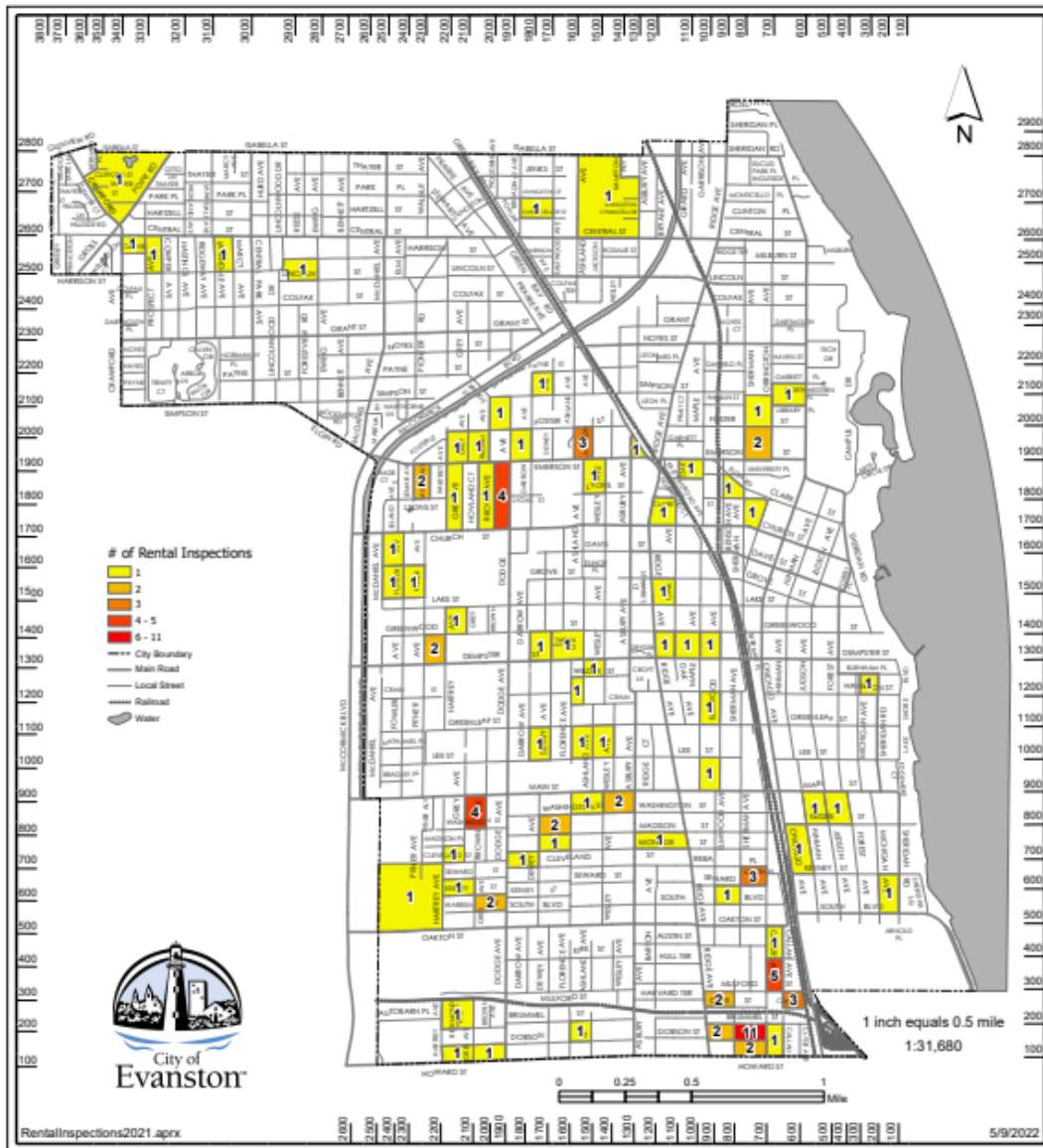
1) Update on the suggested Public Review of rental properties proposal. This was the process that included a public listing of the rental properties and opportunity for landlords and the public to identify unregistered rentals. This idea was suggested during the April meeting and staff was going to investigate.

Success Rate of Penalizing Owners that do not Register. How many times were the penalties spelled out below used:

1. Daily Fines: There is a daily fine of \$75.00 per day for the first offense, escalating to \$750.00 per day for the third and successive offenses.
2. Posting of Violation on Property: City can post violations at the property.
3. Denial of Permits: The department can deny any building or modifications.

Status of Initial Inspections - Is the attached map now updated to include the initial inspections and the 311 complaints? Do we have a current map of 2022 to date? Please specify initial from complaint driven.

2021 Rental Inspections by Block



This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapdisclaimers.html for more information.

Status on Top Tickets and Violations: Councilmember Reid also asked for information on the number and types of tickets by ward. **Staff will bring back information on the top tickets and violations**

Status on Staffing - Previous indications were that there were departmental shortages.

Suggested modifications to Language and Inspection Process:

Ensure that All Owners are Included in the Registration Application: The current language specifies that ALL owners and if a corporation or partnership is the owner that the principals be named. This could be updated to be consistent with the current Federal Corporate Transparency regulations in the National Defense Act and ask for "beneficial members".

Re-Inspection upon Substantive Change: Currently if a property is being registered as a "permanent" rental an inspection is required. Suggested modification would include a re-inspection at any time there is a change including ownership change. Also include language that limits the permanent designation for properties that are not designated as multi-family (4 units or less) to a specific owner. If change of ownership occurs, the City should be able to deny that the dwelling can no longer continue as a rental unit if the density of the rental unit exceeds a certain number of units in an area. Other municipalities require the inspection and registration at the time when properties change hands.

Increase the Delay in Registration Penalty: Some communities have increased the fines to \$2500 per day (Hammond Indiana) for failure to register, and \$500 for late filing. However, that may not be necessary because our ordinance does not appear to distinguish between registration and annual registration, so the \$75.00 per day should prevail.

Add Listing of Tenants: The registration process for some municipalities reviewed required a listing of tenants. This listing must be updated whenever the tenants change. Some also include the provision that a landlord is unable to rent to a student that will sublet to other students.

Discussion of Definition of Family and 3-unrelated Rule

2) Definition of Family / Three Person Rule

Points from Attorney/Planner Daniel Lauber's presentation and discussion:

1. **Definition of Family is Legal - Supreme Court:** Including a definition of "Family" (or "Household") is appropriate for a City and supported with Supreme Court decision in Village of Belle Terra vs Boraas, 416 U.S. 1 (1974).
2. **Primary Reason for Definition of Family is City Control.** Evanston would lose the ability to control how properties are used, become unable to protect vulnerable residents from abusive predatory practices, and potentially become subject to degradation of homes and neighborhoods. The City should be able to make deliberate strategic planning of density, not merely reactive to market forces.
3. **Special Use is Permitted in R4a Districts:** Many of the individuals that have spoken during public comment could still go forward with establishing their group homes of "like minded women" or "limited enrollment for LGBTQ community". But a special permit would need to be requested. This allows the City to control the number and spacing of such residences in a particular area to ensure successful integration with the community. This would help curtail the current unnatural escalation of housing costs. (See R4a Regulations)
4. **Concerns about Enforcement** - No matter what regulation is in place, there is the need for enforcement.
5. **Reinforce Evanston's Commitment to Affordability for Families** - Evanston is increasingly perceived as anti-family focusing more on fringe and individual issues rather than fostering a community of stable families. Maintaining a definition of family protects the removal of housing from the pool of available homes for families.
6. **Specific suggested modifications.**

Suggested Definition of Family: A family consists of any person living alone or any number of people related by blood, marriage, adoption, or guardianship; two unrelated individuals in a domestic partnership who have made a commitment to share their lives, living as a single housekeeping unit along with their children including step children, adopted children, and children under guardianship; or up to three unrelated individuals not living in a domestic partnership. ("Household" can be substituted for "Family")

Evanston's Current Definition:

(A) Type (A) Family: One or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.

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(D) Type (D) Family: A group of two (2) or more persons containing within it one or more families, as defined in subsections (A) and (B) of this definition, including a husband and wife married to one another and their children, as well as adults, living together in a dwelling unit as a single housekeeping unit and management, in premises in which the adult occupants are affiliated with a bona fide not for profit corporation organized for religious purposes chartered by the state of Illinois, that owns or rents the property and has been in existence for at least five (5) years prior to seeking certification by the director of planning and zoning as provided herein; provided, that in no case shall the total occupancy of the dwelling unit exceed two (2) persons per bedroom, nor shall the premises be utilized for religious public assembly. This type (D) family may occupy a dwelling unit only in accordance with the procedures in section 6-4-1-14 of this title.

Suggestions derived from Attorney Lauber's presentation:

1. Eliminate family type D: Suggest wording similar to "Other occupancy requests that do not align with the definition above must be presented to the Zoning Department for consideration and authorization.
2. Establish Spacing Regulations: For Group homes and congregate housing within Evanston.
3. Establish Rapid Approval Process: Zoning should be aware of density issues with spacing requirements established for other types of households not contained in the definition (group homes, selected enrollment, sober homes, religiously affiliated homes, rooming houses) and be able to authorize or deny requests rapidly.