

8/24/2006

95-0-06

AN ORDINANCE

**Renaming and Amending Title 4, Chapter 22,
"Affordable Housing Demolition Tax,"
of the Evanston City Code**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 4, Chapter 22, of the Evanston City Code, 1979, as amended, "Affordable Housing Demolition Tax," be renamed "Affordable Housing Demolition Tax and Affordable Housing Tax Fund."

SECTION 2: That Section 4-22-2, of the Evanston City Code, 1979, as amended, be and hereby is further amended to read as follows:

4-22-2: DEFINITIONS:

For the purposes of administering this Chapter:

AFFORDABLE HOUSING, OWNER-OCCUPIED: Decent, safe, sanitary housing that is affordable to "Relevant Households" as defined below. The cost of the mortgage payment and relevant expenses (a calculation of property taxes, homeowner's insurance, and, when applicable, condominium or homeowner association fees) of owner-occupied dwelling units shall not exceed thirty-three percent (33%) of the Relevant Household's gross annual household income (the total income of all adults over eighteen years of age in the household).

AFFORDABLE HOUSING, RENTAL: Decent, safe, sanitary housing that is affordable to "Relevant Households" as defined below. The cost (including a utility allotment and adjustment for household size) of rental dwelling units shall not exceed thirty percent (30%) of the Relevant Household's gross annual household income (the total income of all adults over eighteen years of age in said household).

AFFORDABLE HOUSING TAX FUND: The fund established by City Council which can only receive and expend monies dedicated to the creation, preservation, maintenance,

and improvement of affordable housing for households whose income is eighty percent (80%) or less of Area Median Income with their affordable housing needs.

APPLICANT: Any individual who applies for a building demolition permit under the Evanston City Code.

AREA MEDIAN INCOME: The median income level for the Chicago Primary Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the United States Department of Housing and Urban Development and adjusted for household size.

DEMOLITION: The removal or destruction of a structure or building in whole or in part to the extent of fifty percent (50%) or more of such structure or building as it existed prior to the commencement of such act or process.

DEMOLITION STRUCTURE: The building or structure to be demolished.

DIRECTOR: The Director of the Evanston Community Development Department.

DWELLING UNIT: A room or group of contiguous rooms that include facilities used or intended to be used for living, sleeping, cooking and eating, and that are arranged, designed, or intended for use exclusively as living quarters.

RELEVANT HOUSEHOLD: A low or moderate income household whose total income does not exceed the relevant percent of median income for the Chicago Primary Metropolitan Statistical Area Chicago area, as established and defined in the annual schedule published by the Secretary of Housing and Urban Development, and adjusted for household size. A low income household has income that does not exceed eighty percent (80%) of HUD Area Median Income. A moderate income household has income that does not exceed one hundred percent (100%) of the HUD Area Median Income.

REPLACEMENT STRUCTURE: Any building or structure replacing the Demolition Structure.

RESIDENTIAL STRUCTURE: Any building or structure containing dwelling units.

RESIDENTIAL STRUCTURE, SINGLE-FAMILY ATTACHED (GROUP, ROW, OR TOWN HOUSES): Three (3) or more dwelling units joined side by side.

RESIDENTIAL STRUCTURE, SINGLE-FAMILY DETACHED: A residential building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot.

RESIDENTIAL STRUCTURE, MULTI-FAMILY: A detached residential building containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or town houses, excluding a hotel, motel, boarding house, rooming house, dormitory, nursing home, mobile home, institution, or retirement home or community.

RESIDENTIAL STRUCTURE, SINGLE-FAMILY ATTACHED, TWO-FAMILY: A residential building containing not more than two (2) dwelling units entirely surrounded by open space on the same lot.

SECTION 3: That §4-22-3(A), of the Evanston City Code, 1979, as amended, be and hereby is further amended to read as follows:

4-22-3: AFFORDABLE HOUSING DEMOLITION TAX:

(A) Tax Imposed and Dedicated. Any person granted a permit under the Evanston City Code for demolition of a Residential Structure shall pay an affordable housing demolition tax of: (a) ten thousand and no/100 dollars (\$10,000.00) for the demolition of any Single-Family Detached Residential Structure, or (b) for the demolition of any Multi-Family, Single-Family Attached, or Two-Family Residential Structure, either ten thousand and no/100 dollars (\$10,000.00) or three thousand and no/100 dollars (\$3,000.00) for each unit in the structure, whichever amount is more. The tax imposed pursuant to this Subsection shall be in addition to the demolition permit fee established from time to time by the City Council and all other applicable fees and charges. Payment of the tax, unless deferred as provided in Section 4-22-4, shall be due upon issuance of a demolition permit by the Department, and is a condition to the validity of the permit. The City shall have a lien against the property which was the subject of the demolition permit until applicable tax obligations imposed by this Chapter are satisfied. The funds received by the City for the amount imposed pursuant to this Subsection shall be dedicated to achievement of the affordable housing goals and objectives as set forth in Section 4-22-1 of this Chapter. The demolition tax funds received pursuant to the tax imposed by this Chapter shall be allocated as follows:

(1) Fifty percent (50%) shall be transferred to the Affordable Housing Tax Fund for use exclusively in assisting households whose income is eighty percent (80%) or less of Area Median income with their affordable housing needs; and

(2) Fifty percent (50%) shall be transferred to the Inclusionary Housing Trust Fund for use in the creation, preservation, maintenance, and improvement of affordable housing.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: September 11, 2006

Approved:

Adopted: September 11, 2006

September 27, 2006

The Mayor did not sign.
Lorraine H. Morton, Mayor

Attest:

Mary R. Morris
Mary R. Morris, City Clerk

Approved/as to form:

[Signature]
Corporation Counsel