

# City of Naperville

*400 S. Eagle Street  
Naperville, IL 60540*



## Naperville

### Meeting Minutes

**Monday, September 13, 2021**

**6:30 PM**

**Meeting Room B**

**Human Rights and Fair Housing Commission**

## Agenda Introductory Language

Due to the COVID-19 pandemic, members of the public attending the meeting may do so subject to compliance with COVID-19 safety protocols, including wearing face coverings at all times while inside City buildings.

**TO SPEAK LIVE AT THE MEETING:** To address the Commission, members of the public may sign up with staff immediately prior to the meeting.

### **PUBLIC ACCOMMODATION:**

- Any individual who may require an accommodation to participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on September 13.

### **PARTICIPATION GUIDELINES:**

The citizen participation guidelines are outlined in 1-5-6-6: - CITIZEN PARTICIPATION of the Naperville Municipal Code.

- **ALL VIEWPOINTS AND OPINIONS WELCOME:** All viewpoints are welcome, positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Commission members, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.

- **SPEAKER TIME LIMITS:** Speakers must limit their remarks to no more than three minutes.

- **IF YOU SIGNED UP TO SPEAK,** staff will call your name at the appropriate time during the meeting. Once your name is called you may identify yourself for the public record and then address remarks to the Commission as a whole. Speak clearly and try to limit remarks directly to the matter under discussion. Speakers are called in the order they sign up.

## **A. CALL TO ORDER:**

Chairman Miller called the meeting to order at 6:30 p.m.

## **B. ROLL CALL:**

**Present** 10 - Sha'Ron Booker, Shree Gurusamy, Diana Hawken, Patrick Kelly, Linda Kuhn, Steve Lakner, Bradford Miller, Brian Palm, Mark Rice, and Nate Wilson

**Absent** 2 - Jim Bergeron, and Alex Jacobs

Also Present: Ruth Broder, Community Grants Coordinator; Geneace Williams, Diversity, Equity & Inclusion Manager

## **C. PUBLIC FORUM:**

In response to a question from an attendee, a brief discussion took place regarding the wording of the City Council resolution on affordable housing, passed at the previous City Council meeting on September 7, 2021. Specifically, a question was asked regarding the use of the term "IDD" or Intellectually and Developmentally Disabled, along with Seniors, as the intended occupants of the proposed affordable housing development. Councilman Kelly responded that the group that had originally proposed the housing intended to use these terms, as the two groups have compatible housing needs. Staff agreed to consult the TED Department to confirm the the categories of residents that would be included in the development.

There were no other public forum comments.

#### **D. OLD BUSINESS:**

1. Approve the regular Human Rights and Fair Housing Commission meeting minutes of July 12, 2021

**Attachments:** [DRAFT Meeting Minutes 071221](#)

Commissioner Rice noted that his name had mistakenly been included as an attendee at the July 12, 2021 meeting of the Commission and requested that his name be removed, since he did not attend the meeting. A suggestion was made that the minutes be approved with a revision to remove Commissioner Rice's name.

**A motion was made by Commissioner Wilson, seconded by Commissioner Palm, to approve the regular Human Rights and Fair Housing Commission meeting minutes of July 12, 2021, as amended. The motion carried by the following vote:**

**Aye:** 9 - Booker, Gurusamy, Hawken, Kuhn, Lakner, Miller, Palm, Rice, and Wilson

**Absent:** 2 - Bergeron, and Jacobs

2. Receive findings and concur with staff recommendation regarding Fair Housing Complaint #FH-012021

DEI Manager Williams presented the complaint and her recommendations:  
I. Allegation - The complainant alleged that Glenmuir Apartments, located at 2604 Rockport Lane, Naperville, IL had discriminated due to race and source of income. The complainant applied to rent an apartment at the complex, completing an application, signing the lease and paying a fee of \$100.00. The complainant stated that she had disclosed to Glenmuir staff that she had a criminal history prior to completing the application and signing the lease. The complainant further stated that the staff member told her it would not be a problem and that she had a "lot of pull" in determining whether or not applications were approved. The complainant paid the fee and signed the lease. She was later advised by Glenmuir that they could not move forward with application and received a rejection letter.

II. Investigation - Ms. Williams received the complaint on April 21, 2021. She contacted the complainant on April 24, 2021. Ms. Williams also spoke with

Glenmuir staff, who stated that is standard practice to have applicants sign the lease at the time of application. However, the lease contains disclaimer stating that the lease will be null and void if the application is not approved. Staff stated that the complainant was denied due to credit score (low 600's), rental history (no utilities), and criminal record. The leasing company was concerned about the drug-related conviction due to close proximity of the complex to a school. Ms. Williams requested and was given a copy of the written denial which specified credit risk status and criminal background (included in credit report). The report included felonies as recent as 2014 and credit report stating the applicant is a high risk for fraud and had too few accounts paid on time. Other factors included balances to credit limit too high; and insufficient credit history. The complainant felt she was promised apartment and had paid the application fee. She stated she had not read the disclaimer. The official complaint was submitted to the Commission and Ms. Williams was instructed by the Commission at the July 12, 2021 meeting to undertake an investigation. Ms. Williams contacted the apartment complex in July and was informed that the building had changed hands and had a new management company. They had a copy of the lease signed by the complainant including the disclaimer. Ms. Williams sent the company a certified letter and was told by them to contact the former owners, who now have no authority. Ms. Williams requested that the former owners provide 5 documents: 1) proof of sale to different owner, 2) copy of the application, 3) proof of current owner and management company, 4) name of agent and 5) copy of rental policy. Ms. Williams did not receive any of the requested documents.

III. Recommendation - Based on Title 12 - 12-5-2, Ms. Williams recommended that the complaint be dismissed. The applicant's credit history and criminal background were reasonable causes to deny the application. No evidence was provided that race or source of income affected the decision.

In response to a question, Ms. Williams stated that the complainant did not receive her \$100 deposit back.

**A motion was made by Commissioner Miller, seconded by Commissioner Rice, to dismiss the complaint. The motion carried by the following vote:**

**Aye:** 9 - Booker, Gurusamy, Hawken, Kelly, Kuhn, Lakner, Miller, Palm, Rice, and Wilson

**Absent:** 2 - Bergeron, and Jacobs

## E. NEW BUSINESS:

1. Review the staff proposal to include Commission members in the RFP process for property located at 103rd and IL Route 59 and direct staff accordingly

**Attachments:** [Proposal for Human Rights and Fair Housing Commission Participation](#)

Ms. Broder reviewed a proposal by the TED Department to have the Commission participate in the choice of a developer for a vacant, city-owned property located at 103rd Street and Route 59. The TED Department has proposed that the parcel be developed as affordable housing for seniors and persons with intellectual and developmental disabilities (IDD). City Council directed staff to prepare a Request For Proposals (RFP) for this housing at this

site. The RFP is scheduled to be considered by City Council on September 21, 2021. TED is proposing to involve the HRFHC in the choice of the developer by including a representative of the commission on the committee to evaluate the development proposals. The committee would chose several of the proposals to move forward in the process. The commission would decide who the representative would be. Once the finalists are chosen, the HRFHC would facilitate and host a community meeting in early 2022 to provide feedback on the proposals. Comments would be summarized for City Council consideration. TED is requesting that the commission vote on a motion to participate in the process and send representatives of the commission to attend the September 21 City Council meeting and speak in favor of the proposal. TED staff will attend the November HRFHC meeting to answer questions on the community meeting and process.

Further discussion following the vote addressed who would be involved, how to define "senior" and "affordability," types of disabilities to be included and if preference could be granted to Naperville residents. The commission voted to have Commissioner Miller as Chair of the commissioner serve as the spokesperson.

Councilman Kelly provided additional information: The area to be developed is approximately 10-12 acres and may include some commercial development on Route 59. It was chosen as the best option that was both vacant and city-owned and had not obvious negative factors. Senior units would be affordable, IDD would not. The number of IDD units would be capped. The total number of units would be determined by the proposals submitted and would be evaluated on the merits. At the 9/21 meeting, TED will present the RFP draft. City Council will review ad vote on whether or not to move forward with it. It will either be approved as is, or request changes. In answer to questions raised, it may not be legally possible to grant preference to Naperville residents. Affordable and senior will be clearly defined. If federal funds are used, the development will have to meet federal standards for affordability. Senior units are likely to comprise about 75% of units, with IDD capped at no more than 25%. The City will apply for 2022 tax credits.

**A motion was made by Commissioner Miller, seconded by Commissioner Palm, that the HRFHC agree to participate in the development review process proposed by TED. The motion carried by the following vote:**

**Aye:** 9 - Booker, Gurusamy, Hawken, Kelly, Kuhn, Lakner, Miller, Palm, Rice, and Wilson

**Absent:** 2 - Bergeron, and Jacobs

## F. REPORTS:

1. Receive status reports on the Affordable Housing Work Plan and Analysis of Impediments to Fair Housing Choice (AI) Action Plan items and direct staff accordingly

**Attachments:** [AI Action Plan Progress Report September 2021](#)

Reports were provided on the status of the City Council discussion on inclusionary zoning (IZO), naturally occurring affordable housing (NOAH) and Single-Family Rehab proposals.

Councilman Kelly stated that nothing has been adopted on the IZO. Meetings were held with SB Friedman and City Council - a voluntary program will be proposed. Single-Family Rehab program and Paired Real Estate Testing Study will be started in 2022. Applications for CDBG funding for housing-related programs will be encouraged, including homebuyer assistance and programs that work with ethnic minorities, such as Xilin and Metro Asian Family Services. The commission will focus on implementation of housing programs, since transportation program changes appear not to be feasible at this time.

### **G. ADJOURNMENT:**

**A motion was made by Commissioner Miller, seconded by Commissioner Palm to adjourn the regular Human Rights and Fair Housing Commission meeting of September 13, 2021 at 8:00 p.m. The motion carried by the following vote:**

**Aye:** 9 - Booker, Gurusamy, Hawken, Kelly, Kuhn, Lakner, Miller, Palm, Rice, and Wilson

**Absent:** 2 - Bergeron, and Jacobs

/S/ Ruth Broder  
Ruth Broder, AICP  
Community Grants Coordinator