

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes

Monday, July 12, 2021

6:30 PM

NEU

Human Rights and Fair Housing Commission

A. CALL TO ORDER:

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

B. ROLL CALL:

Present 10 - Jim Bergeron, Sha'Ron Booker, Diana Hawken, Alex Jacobs, Patrick Kelly, Linda Kuhn, Bradford Miller, Brian Palm, Mark Rice, and Nate Wilson
Absent 2 - Shree Gurusamy, and Steve Lakner

Also Present: Ruth Broder, Community Planner/Community Grants Coordinator; Geneace Williams, Diversity, Equity and Inclusion (DEI) Manager

Absent: Shree Gurusamy, Commissioner; Steve Lakner, Commissioner

C. PUBLIC FORUM:

There were no speakers for Public Forum.

D. OLD BUSINESS:

Approve the regular Human Rights and Fair Housing Commission meeting minutes of May 3, 2021

Attachments: [MeetingMinutes 050321](#)

A motion was made by Rice, seconded by Bergeron, approved. The motion carried by the following vote:

Aye: 9 - Bergeron, Booker, Hawken, Jacobs, Kelly, Kuhn, Miller, Palm, Rice, and Wilson

Absent: 2 - Gurusamy, and Lakner

E. NEW BUSINESS:

Introduce Commissioners Diana Hawken, Alex Jacobs and Nate Wilson

Brief introductions were made of the three newest commissioners.

Receive training addressing discrimination complaints in public accommodation and fair housing

A brief presentation on Complaints and the Hearing Process was given by Geneace Williams, DEI Manager and Staff Liaison to the Commission. Williams described the background and powers of the Commission: In December, 2020, City Council voted to create the Human Rights and Fair Housing Commission, previously the Housing Advisory Commission. Chapters 5 and 6 of Title 12 of the City Code establish the Human Rights

and Fair Housing Commission (HRFHC) and describe the powers and duties of the Commission. Protected classes, as defined in Title 12, are protected from discrimination in public accommodation - places open to the public - and from housing discrimination. The City Code follows the State of Illinois Human Rights and Fair Housing laws.

The ordinance also describes the membership, powers and duties of the HRFHC. Eight duties are discussed, one of which addresses complaints and the hearing process. The rest of the presentation described the complaint and hearing process, as laid out in the ordinance.

1) Complaints:

Complainants have 90 days from the time of the allegation of discrimination to submit a complaint. To submit a complaint, petitioners fill out the form provided. The complaint form is submitted to the Community Services Department (formerly City Clerk's Office).

The first step is for staff to receive the complaint: The complaint is referred to the DEI Manager, who informs the Community Services Department and Commissioners of the complaint. The Complainant is responsible for providing basic information and facts, including which protected class(es) they are covered under and pertinent facts that prove discrimination.

Once the complaint has been received, Staff investigates to determine the viability of the claim. Staff reviews the complaint and may attempt to mediate between the Complainant and the Respondent. If the issue is not resolved, staff prepares a summarization of the complaint and evidence. The Commission reviews the summary and may request more information or ask for a response from the Respondent. The Respondent has 10 days to respond after receiving the request from the Commission. The Commission can also suggest mediation at this time. If the complaint is not resolved through mediation, staff prepares a report, which may make one of the following conclusions:

- a) There are grounds to continue the complaint which should go to hearing, or
- b) There are not grounds to continue and the complaint should be dismissed, or
- c) The Respondent has admitted discrimination and the case should go to the remedy phase.

If mediation is successful, that would also conclude the case. In all cases, complaints should be moved along expediently. If necessary to resolve the complaint in a timely fashion, the Commission may call special meetings or schedule meetings in off months. Staff will also maintain records of Complaints received.

2) Hearing Process:

If it is determined that a hearing is required, the hearing will be scheduled. The hearing may be held before an administrative law judge or hearing

officer. The hearing officer or judge has 120 days following determination of reasonable grounds for the hearing to be held to commence the hearing. The hearing can be held at a regularly scheduled meeting of the Commission or a special meeting, depending on the situation. Personal information may be redacted from the record, if deemed necessary. The Hearing Process is covered in Chapter 6 of Title 12 of the City Code. A hearing record must be created via a recording that is transcribed, or live transcription by a court reporter. Staff must ensure that parties are notified of the hearing, including time and date. Parties may present evidence and cross examine witnesses and request that subpoenas be issued. Once the hearing commences, the hearing officer or judge has 60 days to make a finding. If discrimination is found, a report is prepared and recommendations are made as to remedies. There must be a separate remedy hearing. There is a section in the code that discusses remedies. The hearing officer or judge may make recommendations as to appropriate remedies, but the Commission has the final say. Options include going to a legal body to determine which types of remedies are available. Both Complainant and Respondent have the right to appeal to the court if they believe that the hearing was unfair or conducted incorrectly.

Review Complaint #FH-012021 and direct staff accordingly

Attachments: [FH_01-2021_REDACTED](#)

Following the presentation on complaints and the hearing process, Ms. Williams provided a summary of Complaint #FH-012021, the current complaint before the Commission:

The Complainant and family visited an apartment complex in Naperville and applied to become a tenant, including payment of a \$100 fee. Management staff ordered a credit check, which included a background check. The Complainant asked if criminal history would prevent her from getting the apartment. Employee left the room, returned, and told the complainant that it would be not be a problem. The Complainant alleges that the management company staff person assured her that she would get the apartment. However, the Complainant was later denied, with two reasons being stated:

- 1) Rental History - The Complainant had rented only from individuals and had no utilities in her name, and
- 2) Credit History/Criminal History - The Complainant had a history of several misdemeanors and felony convictions and a credit score below 600.

The Complainant alleges that she was denied due to race (African-American) and legal source of income. Staff contacted the manager of the facility and was informed that the application states approval of application is contingent, not guaranteed. Ms. Williams also stated that the credit history includes criminal background as well as credit history. The management company form states that Credit History was reason for denial, but upon further questioning by Ms. Williams, they explained that the Criminal History included in the Credit History was the primary reason for denial. Commissioner Palm commented that employees of the management company normally must be licensed by the state and that licensed employees should be familiar with all fair housing requirements. The Commission discussed the facts of the case: Discussion focused on the landlord's policies for denial of application: Were policies clearly defined and spelled out and were they applied uniformly? For example, how many criminal convictions would result in an automatic denial? What credit score would be needed to be approved? Discussion also took place on what remedies would be appropriate if discrimination were found: return of application fee? The Commission can not order the complex to provide her with an apartment. Williams stated that she does not believe that the Complainant's housing voucher was an issue. Discussion as to whether the complex runs a credit check on all applicants; they cannot do a credit check for some parties and not for others.

A motion was made by Palm, seconded by Rice, for staff to conduct an investigation and prepare a report to be presented at the next scheduled Commission meeting recommending next steps. The Motion passed unanimously.

Aye: 9 - Bergeron, Booker, Hawken, Jacobs, Kelly, Kuhn, Miller, Palm, Rice, and Wilson

Absent: 2 - Gurusamy, and Lakner

F. REPORTS:

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 July 2021](#)

[AI Action Plan - 2020-2021 Priority Committees July 2021](#)

Councilman Kelly provided an overview of the City Council Workshop on the Inclusionary Zoning Ordinance (IZO). A majority of City Council is not in favor of mandatory inclusionary zoning, but Council did vote in favor of having the consultant, SB Friedman Development Advisors, develop voluntary measures and incentives for including affordable units in new

developments. The consultant will report back to staff and Council, which will determine which measures to adopt.

Broder discussed the NOAH (Naturally Occurring Affordable Housing) Plan and meetings that have occurred with the Illinois Housing Development Authority (IHDA), DuPage Housing Authority (DHA) and Community Investment Corporation (CIC). Meetings focussed on affordable rental housing preservation, including tax incentives. A report will be prepared focusing on how ideas can be used in Naperville. An RFP for a nonprofit organization to develop a Single-family rehab program will be developed by the end of the year, with a goal of starting a program in Spring, 2022. Regarding other Action Items included in the Analysis of Impediments to Fair Housing Choice (AI):

a) Transportation Committee - PACE said there is no funding for changes to routes.

b) Land Use - The TED Department is conducting a study of vacant City-owned property that would be suitable for affordable housing development.

c) Language Access Plan - Suggested obtaining examples from other cities; also need another commissioner to assist commissioner Gurusamy.

d) Paired Housing Study - An RFP will be developed by the end of the year with a goal of the study being conducted in Spring, 2022.

The three new commissioners can assist with projects they are interested in. Staff will develop training for the new commissioners.

G. ADJOURNMENT:

A motion was made by Palm, seconded by Rice, to adjourn the regular Human Rights and Fair Housing Commission Meeting of July 12, 2021 at 7:20 p.m. The motion carried by the following vote:

Aye: 9 - Bergeron, Booker, Hawken, Jacobs, Kelly, Kuhn, Miller, Palm, Rice, and Wilson

Absent: 2 - Gurusamy, and Lakner

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