



Legislation Details (With Text)

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Title: Pass the ordinance amending the Naperville Municipal Code to expand and replace the Housing Advisory Commission and fair housing ordinance with the Human Rights and Fair Housing Commission and human rights and fair housing ordinance

Sponsors:

Indexes:

Code sections:

Attachments: 1. Human Rights and Fair Housing Ordinance 2020_12_15, 2. HR and FHC benchmark cities

Date	Ver.	Action By	Action	Result
12/15/2020	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance amending the Naperville Municipal Code to expand and replace the Housing Advisory Commission and fair housing ordinance with the Human Rights and Fair Housing Commission and human rights and fair housing ordinance

DEPARTMENT: City Manager's Office

SUBMITTED BY: Michael DiSanto, City Attorney and Marcie Schatz, Deputy City Manager

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

In December 2019, the City Council revised the City's mission statement to emphasize diversity and inclusiveness in the community as follows:

"To provide services that ensure a high quality of life, sound fiscal management, and a dynamic business environment, while creating an inclusive community that values diversity."

In addition to revising the mission statement, the City Council has taken the following actions in 2020:

1. May 19, 2020
Approved recommendations focused on diversity, equity, and inclusion such as items related to the City's workforce, engaging with community partners, and the creation of a Human Rights Commission (HRC).

2. July 21, 2020

Directed staff to prepare an ordinance that establishes a Human Rights Commission through expansion of the current Housing Advisory Commission (HAC).

3. September 1, 2020

Modified the name of the commission to the Human Rights and Fair Housing Commission and approved the hiring of a Diversity, Equity and Inclusion Manager.

DISCUSSION:

The proposed ordinance amends Title 2 (Boards and Commissions) of the Municipal Code by expanding the role of and replacing the Housing Advisory Commission with the Human Rights and Fair Housing Commission. The ordinance also repeals and expands the current fair housing ordinance from Title 10 (Police Regulations) and creates a new section, Title 12 (Human Rights and Fair Housing) where the Human Rights and Fair Housing ordinance is located.

Human Rights and Fair Housing Commission

The specific responsibilities of the Commission are outlined under Powers and Duties in the proposed ordinance. In summary, the Human Rights and Fair Housing Commission will:

1. Continue to serve an advisory role to the City on fair and affordable housing issues and expand its role to human rights issues. This will include recommending policies and programs.
2. Provide community outreach and engagement on fair and affordable housing and human rights.
3. Adjudicate formal unlawful discrimination complaints for public accommodation and housing.

The current HAC consists of nine members; two of whom have either expired terms or will not be renewing for an additional term. The proposed ordinance temporarily expands the Commission to 11 members and then reduces it to nine members as terms expire in the future. The ordinance proposes that commissioners shall have experience in the various aspects of the duties of the new Commission, be broadly representative of the City's population, and shall include members of Naperville's minority communities.

The ordinance incorporates that the Human Rights and Fair Housing Commission is the single intake point for all discrimination complaints regardless of category (public accommodation or housing) or protected class and includes an updated investigation and hearing process with options for mediation if needed.

Human Rights and Fair Housing ordinance

The proposed Human Rights and Fair Housing ordinance is a local law designed to protect against illegal discrimination in housing and public accommodation within Naperville. The ordinance prohibits forms of discrimination when they are based upon a person's race, color, religion, sex, national origin, ancestry, age, marital status, familial status, physical or mental disability, military status, sexual orientation, or legal source of income. The proposed ordinance incorporates the protections provided through the Illinois Human Rights Act, the Fair Housing Act, Chapter 11 of the Building Officials Code Administrators National Building Code, and the Illinois Accessibility Code.

Accessibility Provisions

Staff received a question regarding the accessibility requirements within the proposed ordinance and specifically the applicability of the ordinance to multi-family housing. The intention of the ordinance is to indicate that the City will continue to follow the State and Federal accessibility requirements for all new multi-family housing as we have done historically. The previous ordinance included an excerpt from HUD guidelines and a definition of accessibility that is unique to that document which could cause confusion. To clarify the intent of the City, Section 12-4-1:2 of the previously proposed ordinance has been stricken in its entirety. The deletion of this section will have no impact on accessibility requirements.

Previous City Council consideration

The City Council conducted the first reading of this ordinance on October 20, 2020. Under Powers and Duties, the City Council recommended retaining the language of encouraging the maintenance and development of “existing sound housing” which was stricken in the previous version of the ordinance. The language is incorporated into the attached ordinance.

The Council also discussed having the option, but not the obligation to review the final decision on complaints and directed staff to meet with the Department of Justice on this issue. Councilwoman Gustin, Doug Krieger, Mike DiSanto, and Marcie Schatz held a call with Ken Bergeron from the Department of Justice and Kenn Gunn from the Chicago Commission on Human Relations on October 23 on this issue. Both representatives expressed concerns about inserting a political process as part of the complaint process. Neither was aware of any local or state human rights commission that has elected officials as part of the complaint or response process.

At the November 17, 2020 meeting, the City Council tabled the item to review additional information from other communities. Staff met with Councilwoman Gustin on December 3 to share information on which benchmark cities had Human Rights/Relations Commissions and discuss questions related to intake and investigation, City liability, the ability to refer cases to the state or county authorities, potential hearing expenses, and whether funds should be added to the Legal Department budget. Councilwoman Gustin requested additional information related to the benchmark cities and is included as an attachment to this agenda item.

Next Steps

If the proposed ordinance is approved, the Mayor will present appointments for the new seats on the expanded Commission at an upcoming City Council meeting.

The hiring process for the Diversity, Equity and Inclusion Manager is currently underway. Upon hire, City staff will partner with the Human Rights and Fair Housing Commission to create a work plan that incorporates current housing initiatives as well as new responsibilities.

FISCAL IMPACT:

Estimated costs of mediation are \$500-\$1,000 per case and formal hearing costs \$1,000-\$2,500 per case. Based on historical data, a small number of annual cases is expected.