



**AGENDA AND NOTICE OF A MEETING  
Housing & Community Development Committee  
Tuesday, June 20, 2023**

**Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, IL 60201 Room 2404  
7:00 PM**

Those wishing to make public comments may submit written comments or sign-up to provide in-person comment with the [public comment form](#) or by calling/texting 847-448-4311 by 5pm the day of the meeting.

Public comment form: <https://forms.gle/juR6pAK1NMmWNQCJA>

To listen to the meeting, join the Zoom meeting below:

<https://us06web.zoom.us/j/83028735282?pwd=YkdITTU1ZnY2TmxZZkJVOTIEa0FSUT09>

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Passcode: 467209

## 1. CALL TO ORDER/DECLARATION OF A QUORUM

## 2. PUBLIC COMMENT

## 3. APPROVAL OF MEETING MINUTES

- A. **Approval of Minutes from Tuesday, May 16, 2023 meeting.** 3 - 5  
**For Action**  
[Housing & Community Development Committee - May 16 2023 - Minutes - Pdf](#)

## 4. NEW BUSINESS/OLD BUSINESS

- A. **Continuation of Discussion of Potential Changes to the City's Landlord Tenant Ordinance** 6 - 52  
**For Discussion**  
[Discussion of potential changes to the City's Landlord Tenant Ordinance - Attachment - Pdf](#)
- B. **Approval to Recommend the Expansion of the Small/Medium Landlord Financial Assistance Program** 53 - 56  
**For Action**  
[Approval to Recommend the Expansion of the Small/Medium Landlord Financial Assistance Program - Attachment - Pdf](#)
- C. **Approval of Cancelation of Tuesday, August 15, 2023 Housing & Community Development Committee Meeting**  
**For Action**

## 5. ADJOURNMENT

*Agenda items and order are subject to change.*

*Questions can be sent to Marion Johnson, Housing & Grants Supervisor at [marionjohnson@cityofevanston.org](mailto:marionjohnson@cityofevanston.org).*

*The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact 847-448-4311 or 847-448-8064 (TYY) at least 48 hours in advance of the scheduled meeting so that accommodations can be made. La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a 847/866-2916 (voz) o 847/448-8052 (TDD).*

**Draft**



City of  
**Evanston™**  
**MINUTES**

**Housing & Community Development Committee**

**Tuesday, May 16, 2023 @ 7:00 PM**

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, IL 60201 Room 2404

**COMMITTEE MEMBER  
PRESENT:**

Hugo Rodriguez, Committee Member, Joanne Zolomij, Committee Member, Bobby Burns, Councilmember, Devon Reid, Councilmember, Eleanor Revelle, Councilmember, and Juan Geracaris, Councilmember

**COMMITTEE MEMBER  
ABSENT:**

Loren Berlin, Committee Member and Kathy Feingold

**STAFF PRESENT:**

- 1. **CALL TO ORDER/DECLARATION OF A QUORUM**  
Chair Revelle called the meeting to order at 7:06 p.m.

- 2. **APPROVAL OF MEETING MINUTES**
  - A. Approval of meeting minutes from April 18, 2023.

Motion to approve the meeting minutes from April 18,2023.

Moved by Councilmember Reid  
Seconded by Zolomij

**Ayes:** Rodriguez, Zolomij, Councilmember Burns, Councilmember Reid, Councilmember Revelle, and Councilmember Geracaris

**Approved 6-0 on a recorded vote**

- 3. **PUBLIC COMMENT**

Deb Bailey - Deconversion Ordinance

Affordable housing is an important goal for us to have as a community. However, as an Evanston homeowner whose house was originally a single family house and was converted into a two-flat in the late 1920's/early 1930's, I think an exception should be made for situations like mine. If and when I choose to sell my house, the population of potential buyers would be limited if they couldn't convert the house back into a single-family again. I knew when I bought my house 30 years ago, I could turn it back into a single family house if I so choose. And there are a number of houses in my neighborhood that were original single-family houses, went through a period of being turned into two-family houses, and are now

back to being single-family houses. I understand and support a ban on having buildings that were originally built as duplexes (or triplexes!) converted into single family homes. But there should be an exemption for houses that were originally single family homes and were converted into two-family homes.

Jen Peterson - Residential Landlord Tenant Ordinance

I'm glad to see our city tackling rental disparity issues and hope that we will lead the way in making sure that we have housing available to all of our residents. This year, as rents have skyrocketed, I have seen buildings torn down in favor of luxury rentals and I personally know families who have had to move because landlords increased rents significantly. These are families who have lived here for years and now are "priced out" of our community - their community. We talk a good game around wanting to be a diverse, fair, and equitable community but when it comes to housing (and a few other things), we are far from it. When people who work in our community, cannot afford to continue to live here because there are not strong enough rules around rent increases, evictions, deposits, and other fees, then we are doing it wrong.

Claire Bacon - Residential Landlord Tenant Ordinance

As the Housing and Community Development Committee considers updates to Evanston's Residential Landlord Tenant Ordinance (RLTO), I want to encourage the committee to consider the opportunity we have to make a more just, healthy, and equitable rental landscape in our city. In my experience working in Evanston, I have definitely seen the need to put in place strong tenant protections. The lack of affordable housing options in combination with the inherent power imbalance that goes along with landlord/tenant relationships puts renters at greater risk of housing instability. Putting in place stronger tenant protections into our current RLTO is one simple way to even the playing field a little bit more for tenants and is vital to providing some additional stability for our households. Because of this, I strongly support the proposed updates to Evanston's RLTO.

Arielle Imber - Residential Landlord Tenant Ordinance

Evanston prides itself on being a vibrant and diverse city, but strong communities require stability. Nearly half of Evanston residents are renters, but rents have gone up 17% in just the past year, forcing many renters to relocate. To be clear, rising rents and evictions are not impacting everyone equally. Evanston's Black population has decreased by 27% since 2000, and evictions disproportionately affect Black residents. By increasing the notice period for rent increases and lease non-renewals, requiring landlords to disclose the average utility cost, and giving landlords the option to use an FHO compliant screening tool, Evanston has an opportunity to make low-cost, high-impact changes to the Residential Landlord Tenant Ordinance. There are additional reforms that would bring the Evanston RLTO in line with City of Chicago and Cook County ordinances, most importantly by implementing stricter rules around security deposits and move-in fees. Finally, the right to organize and form tenant unions is a vital step towards eliminating the power imbalance between landlords and tenants.

Laurence Smith - Residential Landlord Tenant Ordinance

Mr. Smith explained his experience of receiving a non-renewal notice only 30 days before the end of his lease after residing in his unit for 17 years. He stated there should be a three

strikes rule to non-renewals and evictions, and that non-renewals should not be used as a retaliation method. He believes there should be a just cause for eviction proceedings.

**James McKee - Residential Landlord Tenant Ordinance**

Mr. McKee introduced himself as a landlord of 39 units. He asked the HCDC to keep history in mind to avoid unintended consequences of the RLTO and to prevent overreach in detriment to Evanston landlords.

**K.P. Smith - Residential Landlord Tenant Ordinance**

Ms. Smith introduced herself as a landlord of an owner-occupied 2-flat. She stated the RLTO updates are welcomed and encouraged and believes landlords and tenants need stability and predictability. However, in regards to just cause to evict/non-renew, Ms. Smith stated there needs to be a way in which landlords can reclaim their properties should they decide to stop renting for personal, if not financial, reasons.

**Tina Paden - Residential Landlord Tenant Ordinance**

Ms. Paden explained her family's history of providing naturally occurring affordable housing to tenants receiving housing supports. She stated she is against the updates to the RLTO, and urged the Committee to think about the types of landlords the updates are affecting. She went on to say that the updates will have the greatest impact on small and medium landlords. Finally, Ms. Paden expressed concerns that if the Committee approves the changes to the RLTO affordable housing would disappear in the City.

**4. NEW BUSINESS/OLD BUSINESS**

- A. Presentation of Residential Landlord Tenant Ordinance Updates for Consideration
- B. Ordinance 49-O-23, Amending City Code Section 4-18-3 Concerning the Demolition Tax

The Equity and Empowerment Commission recommends consideration by the Housing and Community Development Committee of Ordinance 49-O-23, amending City Code Section 4-18-3, the Demolition Tax Code, to increase the amount of the Demolition Tax and to recommend its approval to City Council.

Moved by Councilmember Reid  
Seconded by Councilmember Geracaris

**Ayes:** Rodriguez, Zolomij, Councilmember Burns, Councilmember Reid,  
Councilmember Revelle, and Councilmember Geracaris

**Approved 6-0 on a recorded vote**

- C. Staff Update: Small/Medium Landlord Assistance Program

Item was tabled for the June 20, 2023 meeting.

**5. ADJOURNMENT**



## Memorandum

To: Members of Housing & Community Development Committee  
From: Lindsey Wade, Housing & Economic Development Analyst  
CC: Marion Johnson, Housing & Grants Supervisor, Sarah Flax,  
Community Development Director  
Subject: Discussion of potential changes to the City's Landlord Tenant Ordinance  
Date: May 16, 2023

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Recommended Action:

Staff seeks direction from the Housing and Community Development Committee on whether the proposed updates being considered for Evanston's Landlord Tenant Ordinance should be incorporated into an amended ordinance or if further information and inquiry is required before a decision can be made.

Committee Action:

For Discussion

Summary:

In April 2021, the Housing and Homelessness Commission (HHC) discussed potential items and policies to consider for updates to the City of Evanston's Residential Landlord Tenant Ordinance (RLTO) in advance of the new Cook County RLTO, which took effect in June 2021. However, Evanston is exempt from Cook County's RLTO provisions since it has a locally standing RLTO. Staff collaborated with multiple fair housing organizations since then to update the list for further conversation with the Housing and Community Development Committee (HCDC). In February 2023, staff presented the updated list to HCDC, and were directed to seek local landlord and community feedback on the items to update.

Since then, staff conducted community outreach through surveys, interviews, emails, and one-on-one chats. Although landlords expressed concerns about a number of the proposed changes, they also provided practical suggestions for some, as well as insight into how landlord-tenant relationships are navigated. Conversely, tenants and other community members were in support of the updates. Staff will present details on each of the items for consideration, including background information, and feedback received at the Housing and Community Development Committee meeting on Tuesday, May 16, 2023 and are seeking direction from the committee on whether or not to incorporate these items into the ordinance, or if further information and consideration is required. The presentation is attached.

### **Sources of Information**

The COVID-19 pandemic put housing instability at the forefront of society, and the temporary protections implemented for tenants during this time highlighted the need for a more long-term, comprehensive eviction prevention strategy. Local housing data shows it is critical the City of Evanston consider adding modernized, systemic, low-cost, high-impact policies to its own Residential Landlord Tenant Ordinance, as adjacent communities and jurisdictions across the nation have already done. For example, our vacancy rate is less than 10% (American Community Survey 2021), and the average cost of rent has gone up by approximately 17% since 2022 (Zillow 2023). Eviction rates are also returning to pre-pandemic levels (Cook County Sheriff 2023). These metrics are consistent with other suburbs, with the State of Illinois, and with the entire country.

Staff cross-referenced the ordinance changes for consideration with two articles that described how to support a successful rental housing market in a post-pandemic society. The White House Blueprint for a Renters Bill of Rights (2023) listed five principles to guide local governments in crafting a fair housing market, and examples for implementation: “Safe, Quality, Accessible, and Affordable Housing; Clear and Fair Leases; Education, Enforcement, and Enhancement of Renter Rights; the Right to Organize; and Eviction Prevention, Diversion, and Relief” (White House 2023). These principles were mirrored in the article, “Home For Good: Strategies to Prevent Eviction and Promote Housing Stability” (Enterprise Community 2022), which provided a list of strategies that support landlords’ ability to maintain property, improve access to affordable housing, and bolster tenant rights. “Home for Good” also offered a tool to evaluate each strategy based on level of effort (amount of modification or review required), cost of implementation (taxpayer, private, nonprofit), and scale of impact (household, community, or system). The provisions in consideration for Evanston’s RLTO update were consistent with both these articles.

### **Community Outreach**

Staff sought feedback from stakeholders on multiple platforms in various modes. First, staff surveyed landlords on their level of approval of each of the items being considered for the update to the Residential Landlord Tenant Ordinance (RLTO). Landlords registered with the City of Evanston received a 25-item internet questionnaire via email on March 15, 2023. Next, staff developed a dedicated RLTO webpage with links to the summary of RLTO considerations, the landlord survey, and later, Open Communities’ tenant survey. The webpage also instructed stakeholders to email comments to the Housing & grants Team, or sign up for public comment at HCDC. The link to the dedicated RLTO webpage was shared in the City of Evanston e-News on March 31, 2023. By April 30, 2023, the questionnaire received 38 responses.

Staff also hosted a 2-hour in-person feedback session on April 12, 2023, in which approximately 25 landlords were asked 14 open-ended questions about the items in small group interviews. Local landlords were invited to the feedback session via email through our landlord distribution list. Staff also held virtual discussions with landlord organizations Illinois Realtors and Chicagoland Apartment Association. Countless emails and public comments were also made by landlords in response to the RLTO considerations.

Finally, local fair housing organization, Open Communities, developed a ten-item online questionnaire to survey tenants on their support of the RLTO considerations and to offer them an opportunity to express any additional needs. The tenant questionnaire was shared via email

by Open Communities to their client network and to partner organizations. Staff also posted the link to the tenant questionnaire on the dedicated RLTO webpage. Staff received public comment and email from tenants as well.

Results of the online questionnaires and key comments from interviews and emails from landlords, tenants, and other community stakeholders will be shared in the presentation to the Housing and Community Development Committee at the meeting on Tuesday, May 16, 2023.

Attachments:

[RLTO Considerations Presentation](#)



# Residential Landlord-Tenant Ordinance Updates

Housing & Community Development Committee  
May 16, 2023

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# Introduction

# 43% of Evanston rents

Vacancy rate is 9%

(American Community Survey Estimates 2021)

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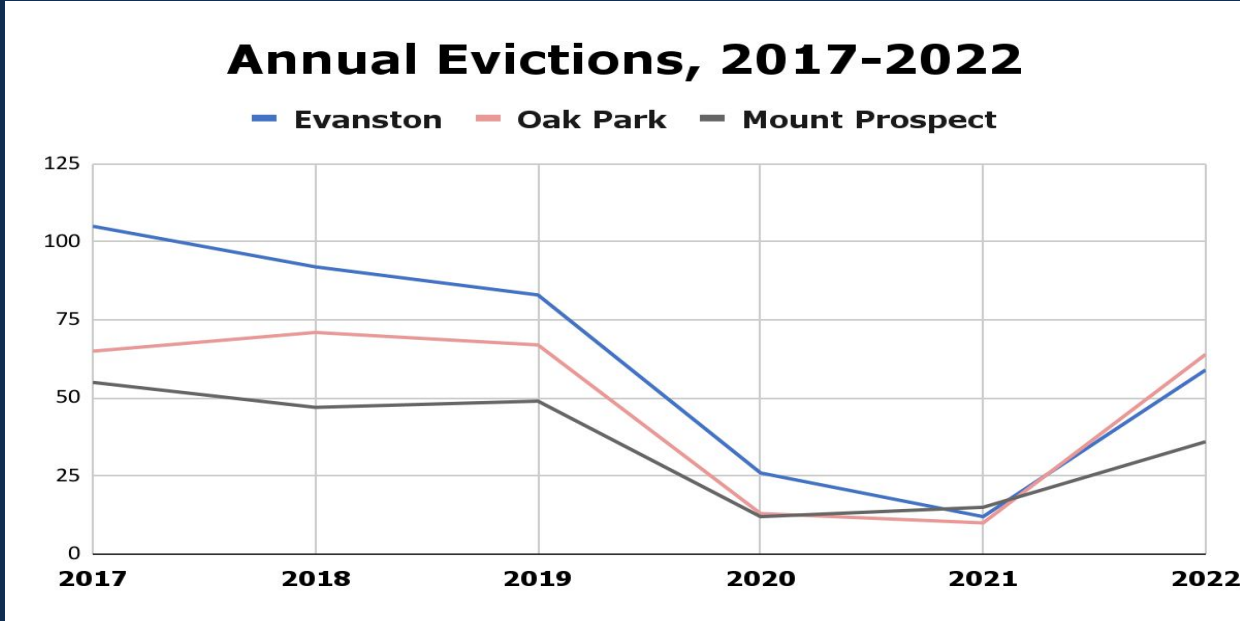
# Rent is up **17%** since 2022

2023 Evanston Rent Average: **\$1875**  
(Zillow 2023)

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# Eviction is reaching pre-Pandemic Levels

(Cook County Sheriff's Office 2023)



# Racial & Economic Disparities Persist

Only 1 out of 5 renters are Black, but Black renters make up 1 out of 3 evictions.  
([Eviction Lab 2021](#))

- Evanston is losing its Black population ([U.S. Census](#))
  - 2000: 22.5%
  - 2010: 18.1%
  - 2020: 16.1%
- High housing cost disproportionately affects Black and Hispanic/Latino Households ([COE Affordable Housing White Paper 2017](#))
  - % of household incomes below 80% AMI
    - 64% of Black/African American households
    - 58% of Hispanic/Latino households

# 2023 RLTO Update

## Goals

- Modernize fair housing practices
- Promote housing stability
- Leverage policy tools
- Implement high-impact, low-cost solutions

# Policy Resources

[White House Blueprint for a Renter's Bill of Rights](#)  
(Biden-Harris Administration, 1/2023)

[Home For Good: Strategies to Prevent Eviction and Promote Housing Stability](#)  
(Enterprise Community 9/2022)

- Accessible & Affordable Housing
  - Fair Screening Processes
  - Prohibition of hidden/illegal fees
- Clear & Fair Leases
  - Transparent & Safe Security Deposits
  - Limit Late Fees
  - Period to Cure
  - Sufficient Notice
- Enforcement & Enhancement of Rights
  - Protection of DV Survivors
  - First Right of Refusal
  - Right to Organize
- Eviction Prevention, Diversion, & Relief
  - Disincentivize Eviction
  - Right to Pay and Stay
  - Just Cause Eviction
  - Relocation Assistance
  - Financial Incentives for Landlords

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# Community Engagement

## Outreach to Landlords and Tenants

- Website
  - Links to Surveys
  - Summary of Considerations
  - Public Comment Instructions
  - Contact Information
- Survey (online)
  - 38 landlord responses
  - 405+ tenant responses (Open Communities)
- Interviews
  - 25 feedback session attendees
  - Multiple phone calls
- Email
- Public Comment



4 in 5  
online survey respondents  
were small/medium  
landlords

## Landlords: Overall Themes



- Discretionary decisions
- Small landlord exceptions
- Ownership rights

“Landlords do not evict or non-renew tenants who pay the rent and abide by the lease.”



- Technicalities or regulations
- Business costs
- COVID-19 losses

“Landlords are in recovery mode from COVID, when they made multiple deferments, payment plans, and waived fees.”

## Tenants: Overall Themes



- Responsive landlords
- Cost transparency
- Fair notice/eviction

“The biggest struggle is the cost of move-in fees, which were super high, and that there was no room for negotiation in a rent increase for next year.”



- Rent burdened
- Hidden/illegal fees
- Inaccessibility

“30 days makes it very difficult to find a place to move to when there is so little housing available in the city right now. No fault eviction is very unfair to tenants who pay their rent on time and take care of their space.”

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# Accessible & Affordable Housing

## Problem: Common Screening Tools Inaccurate and Non-compliant

- Screens out over 50% of Evanstonians
  - Over half all households in Evanston cost burdened, i.e. pay over 30% of monthly income to rent ([Evanston Now 2023, American Community Survey 2021](#))
  - Consider seniors, single-parent households with multiple children
  - “People know how to get their needs met and can live in places that are half their income or even more by supplementing in other ways.”--Connections for the Homeless
  - “I have friends who have had trouble finding somewhere to live in their preferred location due to the required rent-to-income ratios and very high security deposits.”--Evanston Tenant

## Solution: Encourage Fair & Compliant Screening

- Solution
  - Develop tool to encourage landlords to “Screen In”
- Best Practices:
  - “Screening In”--implemented in [Portland \(see brochure\)](#), [State of Indiana](#), & others
    - Lower or eliminate blanket rent to income ratio requirements
      - Consider all sources of income, besides wages, along w/ subsidies
        - Child Support, SNAP benefits, TANF, support from friends/family
    - Lower or eliminate blanket credit score requirements
      - Consider age and type of debt and way score against other attributes
    - Consider lapse of time and whether or not a judgment of eviction passed
  - WH Renters Bill of Rights acknowledges inaccuracies, inconsistencies, and disparities in background and credit checks
    - Working with FCC on improving

## Problem: Exorbitant Hidden Fees

- Move-in fees, admin fees, and application fees unregulated
  - No consistent process of determination identified by landlords
  - Preferred by landlords over Security Deposit due to SD regulations
  - Landlords assume these fees are more affordable to tenant than SD
- Prevent low-income people from accessing housing
  - Greatest complaint out of 405 tenant survey responses
  - Charitable organizations don't cover
  - Non-refundable
    - No resources for move out

## Solution: Define all Up-Front Costs

- Limit move-in fees, application fees, and admin fees to the amount of costs incurred by the landlord
  - Provide estimate of fees up front
    - Actual cost of screening service (application)
    - Reasonable costs added for time (admin)
    - Costs of security, damage (move-in)
  - Not change the name of a fee or deposit to get around these rules
- Recommended by WH Bill of Renters Rights
  - Promotes fairness and transparency
- Defining move-in fees effect in Cook County

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# Clear & Fair Leases

## Summary Attachments & Disclosures

- Problem
  - Tenants need to assess level of risk and affordability and raise concerns w/ LL
- Solution
  - Provide a plain language summary of the RLTO
  - Disclose foreclosure activity and estimated utility costs
    - Landlords need instructions on how to obtain utility costs
  - Provide a brochure on bed bug detection, reporting, and removal
    - Landlords disagree with extermination as responsibility
      - In effect in Chicago and Cook County

## Prevent Renaming of Security Deposits & Eliminate Interest Requirements

- Problem:
  - Landlords admittedly rename security deposit to avoid following provisions
  - Admin cost of calculating SD interest outweighs benefit to tenant
- Solution
  - Prevent renaming to avoid regulations
    - i.e. landlord may not avoid coverage of SD by labeling the fee or charge as anything other than a security deposit
  - Remove requirement to pay interest on SD if interest rate is below a certain threshold
    - Interest rates are currently low, but on the rise
- Best Practices:
  - Recommended in WH Bill of Renters Rights
  - Encourages landlords to return security deposits
  - Interest rates are currently and historically very low



## Problem: Excessive Late Fees

- Lack of regulation results in daily or weekly fees
  - Some tenants charged \$50 per day
- Prices tenants out of otherwise affordable housing
  - Forces tenants to make sacrifices to food or other necessities
  - Minor disruption in income turns into major debt for tenant
  - Sometimes results in eviction
- Landlords believe late fees incentivize timely payment, but that's a myth
  - Fixed incomes
  - Timing of paycheck
- Should be proportional to fees incurred by late mortgage or water payment

## Solution: Limit Late Fees

- Limit late fees to percentage of rent or rent range; and to once per month
  - \$10 on monthly rent of \$1000 or less; 5% per \$1000 monthly rent thereafter
  - \$0-\$1000=\$10 late fee, \$1001-\$1500=\$35 late fee, \$1501-\$2000=\$60 late fee
    - Landlords prefer fixed rate or range over calculating percentages
    - Progressive late fees allow highest rents to pay highest fees
    - Supported by WH Bill of Renters Rights
    - Similar model in effect in Chicago & Cook County
- State law:
  - \$20 or 20% rent “reasonable”, 5 day min. grace period, must be listed in lease
- Also implemented in various forms nationally
  - Washington, D.C.--5% of monthly rent
  - NYC and State of Colorado--Cannot exceed \$50 or 5% of rent--whichever is less

## Make the Period to Cure Consistent

- Problem
  - Tenants/landlords have 48 hours to cure in a owner-occupied building; 30 days for all others
    - 48 hours too short
      - i.e. Rehoming pets, family members
      - Evanston standalone on this
    - 30 days too long
      - i.e. Removing personal items from common areas
- Solution
  - Make the “period to cure” consistent across the board–10 days for both the tenant and the landlord
    - Many landlords approve of 10 days, while others still prefer 30
    - Capacity for city to enforce?
    - WH Renter’s Bill of Rights, Home for Good roadmap suggests 10+ days for tenants
  - In effect in Chicago and Cook County

## Problem: Insufficient Notice on Non-Renewals/Rent Increases

- Large increases can price a tenant out of their unit
  - Single father of 3 had 30 days to find new unit after being priced out due to increase
  - Resulted in displacement of children's schools
- Searching for a new home can take 3 months or more, even with safety net
  - Rents up \$395/month more than last year
    - Long-term tenants have to new market rates

## Solution: Implement Graduated Notice Based on Tenancy Length/Rent Increase

- Provide increasing notice to tenants based on how long they've lived in the unit
  - 60 days notice for 1-2 years
  - 120 days notice for 3 or more years
- Provide increasing notice to tenants based on how much the rent is being increased
  - 0-5%=60 days
  - 6-10%= 90 days
  - 11%+= 120 days
- Landlords prefer one flat period for notice
  - Many support 90 days, followed by 60 days and 45 days
  - Increases and non-renewals are issued at same time
  - Increases based on tax assessments/utility cost/general cost of living
  - Over 5% increase considered high



## Best Practices: Fair Notice Based on Tenancy Length/Rent Increase

- Graduated notice in effect in Chicago (Fair Notice Ordinance)
- Other Graduated Notice Localities & Models
  - Colorado, Delaware, Vermont, Miami Dade County: 60 days' notice
  - Oregon: 90 days notice
  - New York: 90 days for 2+ years tenancy
  - California: 90 days' notice for increases over 10%
- Frequently coupled with Just Cause Ordinance
  - Relocation assistance required if tenant given insufficient notice

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# Enforcement & Enhancement of Rights

## Prohibit Retaliation from Landlords Against Survivors of DV

- Problem:
  - Victims of gendered violence may need to change their locks or flee their homes to stay safe from domestic violence
- Solution:
  - Prohibit retaliation against DV survivors for exercising right to change locks or terminate lease
    - Examples include eviction, lease non-renewal, or failing to return the tenant's security deposit
    - Landlords want to receive key to new lock within 48 hours
- Best Practices:
  - Incorporates and adds visibility to pre-existing Illinois Safe Homes Act

## First Right of Refusal

- Problem:
  - Sale of buildings often results in increase of rent or condo conversion
- Solution:
  - Provide tenants with the First Right of Refusal to purchase their building
    - Provide notice of intent to sell
    - Provide sufficient amount of time for tenant(s) to make an offer
      - Landlords are comfortable with making informal offers but not with legal requirement
- Best Practices:
  - Helps preserve naturally occurring affordable housing
    - Shared control of housing stock, promotes homeownership
  - Mitigates impact of displacement
  - [Condo conversion developers required by law](#) to furnish tenants with sale price within 30 days
  - Similar to federal Tenant Opportunity to Purchase Act
    - Tenants in multi-family buildings notified of intent to sell
    - Tenants may respond by organizing to purchase as a group; or
    - Pass first right of refusal onto another entity, i.e. nonprofit developer
  - Currently piloted in Chicago's Woodlawn neighborhood

## Bolster Right to Organize

- Problem
  - Tenants currently have the right to organize, but need more support to do this
- Solution
  - Prevent retaliation from landlords with:
    - The right to provide leaflets and post materials in common areas
    - The right to use common areas to organize meetings
      - Landlords concerned this will impede business
- Best Practices
  - WH Renters Bill of Rights supports
  - Tenant associations can increase efficiency of finding resolutions to community problems
  - Currently required in HUD subsidized public housing

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# Eviction Prevention, Diversion, & Relief

## One-Time Right to Pay and Stay

- Problem
  - 10 days not enough to access resources to pay rent debt
    - Emergency Rental Assistance, help from family and friends
- Solution
  - Add a one-time right to pay and stay that lasts to the court judgment
    - If a case has been filed, the tenant is required to pay filing fees
  - Does not lengthen eviction process—might shorten
    - i.e. tenant could pay debt on first court date and eliminate future court dates
- Best Practices
  - Recommended by WH Renters Bill of Rights
  - In effect in Chicago, Cook County, and 10+ other jurisdictions nationwide
  - If eviction is:
    - about money, LL should want to be paid
    - other legitimate basis, LL could provide multiple termination notices
    - for discriminatory/retaliatory reasons, should not proceed

## Collection of Attorney Fees

- Problem
  - Imbalance in power and representation in eviction proceedings
- Solution
  - Prohibit collection of attorney fees from tenants in eviction proceedings
    - Tenant to pay service costs and filing fees
      - Mitigates representation disparity between landlords and tenants
      - Promotes efficient resolution—benefiting both parties
        - Eviction costs “financially crushing” to landlords
          - Especially small landlords
        - Some landlords just want vacancy for a new tenant
      - Reduces financial impact on tenant
- Best Practices
  - In effect in Chicago & Cook County
  - Right to Counsel Ordinance in Portland and Philadelphia

## Problem: Unjust Non-Renewal/Eviction

- Staff from fair housing organizations witness impact on families w/ fixed incomes, seniors, individuals w/ disabilities, & families in Evanston schools
  - Family of 5 given no-fault non-renewal, price of the unit increased from \$2,081 to \$2,810. Household had kids with autism & finding a place that would accommodate their family was extremely challenging.
  - A senior with cancer given a no-fault non-renewal notice. Client had to push off her cancer treatment in order to focus on moving.
  - 82 year old veteran recovering from stroke given a no-fault non-renewal notice for apartment he's lived in since 2005, struggling to find another apartment that he can afford on his social security income
    - *"I turned 82 years old on April 14th of 2023. I have been in the same apartment for 18 years, with the last 3 years with a new management group. I have been a model tenant. I have no drug, or alcohol problem and no criminal record. I'm an Air Force veteran. After I requested a repair to a broken faucet. My management company decided they do not want to renew my lease. Now I am expected to move within a month, which will be costly and traumatic."*

## Solution: Define Fair Reasons to Non-Renew

- Limits grounds for eviction or lease non renewal
  - Nonpayment
  - Material noncompliance/lease violation
  - Occupancy by owner/relative
  - Sale of building
  - Gut rehab
- Protection from arbitrary, retaliatory or discriminatory evictions
  - Language barriers
  - Cultural differences
  - Interpersonal inconveniences
  - Disability or requests for accommodations
  - Family status
- Applies to buildings of 6 or more units

## Solution: Define Fair Reasons to Non-Renew

- Best Practices
  - Local governments urged by federal government, policy researchers, and local human service organizations to implement
    - Recommended in WH Renters Bill of Rights & Home for Good
  - Required for federally subsidized housing, including LIHTC
  - Enacted in 11+ different cities and states
    - [Portland](#)
    - [San Diego](#)
    - [Washington D.C.](#)
    - [Seattle](#)
    - [New Jersey](#)
    - [New Hampshire](#)
    - [Oregon](#)
    - [Washington State](#)
    - In committee in Chicago since 9/2021

## Background: Just Cause

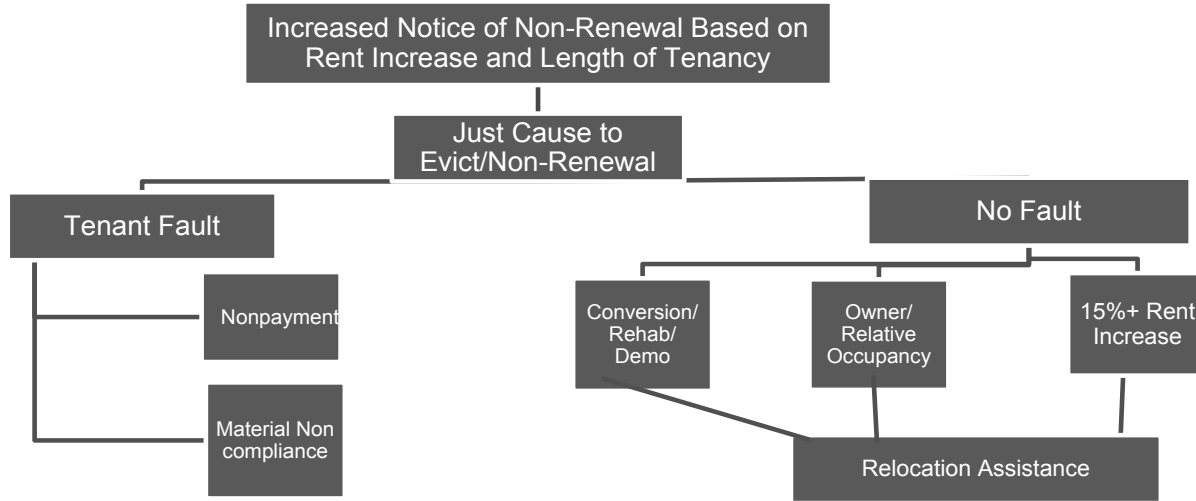
Stabilization and reduction of displacement

Protection from arbitrary, retaliatory or discriminatory evictions

Currently implemented in multiple cities nationwide in various forms and degrees



# Background: Just Cause



Applies only to buildings of 7 or more units

## Problem: Expense of No-Fault Non-Renewal

- *“We were in one of the buildings (5 buildings, 164 units total) recently sold to a developer, who received or will receive non-renewal/notice to vacate communication from the new owners. We weren’t given the opportunity to pay more, though now that they’ve increased the rent 20% (I looked at the listing with it’s \*minimal\* cosmetic improvements) I would have thought twice. But after 10 years to be summarily forced out and into a market flooded with other people/households in the same boat, was tremendously upsetting and stressful.”*

## Solution: Relocation Assistance

- Landlords would pay relocation costs to tenants forced to move due to sale of the property, rehab, or a major rent increase.
  - Small landlords would be excluded
  - Current condo ordinance: \$300 or one month's rent—whichever greater; paid to tenants at 80% AMI or below moving due to condo conversion
  - Disincentivizes landlords from no-fault evictions and offsets the costs of moving
  - Some landlords feel this is justified for major rehab/condo conversion or major rent increase
- Relocation assistance criteria and amounts vary from city to city and ordinance to ordinance
- Best Practices
  - Portland: Landlords pay if tenant evicted without cause or if rent is increased more than 10% and tenant decides not to renew
  - Chicago: (Proposed) Tenants receiving non-renewal notices for gut rehab, owner/relative occupancy, sale of the building, or those who choose not to renew due to rent increase over 15%, receive 3x monthly rent

## City Mitigation Fund

- Problem
  - Landlords don't want risk of renting to individuals with low credit scores, less than 3x rent, eviction history, etc.
- Solution
  - Build a City Mitigation Fund for landlords renting to tenants who don't meet standard screening criteria to be reimbursed for damages to their unit or for unpaid rent that surpasses the security deposit value
  - No current funding source identified for this.
- Best Practices:
  - Currently implemented locally and nationally
    - Lake County, IDHS, City of Chicago Flexible Housing Program, Chicago Rents/Expedited Housing Initiative by All Chicago
    - City of Orlando, Portland, Gresham, and Multnomah County (OR), City of Seattle & King County, Denver, CO Metro area, Fargo, ND, Eau Claire, WI

## Model: City Mitigation Fund

**Low vacancy rate + high rents + chronic homelessness = landlord mitigation fund**

Landlords renting subsidized tenants are documented

These landlords are connected w/ Mitigation Resource

Mitigation Resource offers support and access to funds

Allows landlords to intentionally and meaningfully engage in stabilizing affordable housing

Coordinated regional strategy to promote housing rather than individually targeted



## Additional Landlord Suggestions/Issues

- Require renters insurance—not recommended
- Remove the requirement to store tenants “abandoned” items
- Change the heat requirements minimum: night=66 /daytime=68
- Need assistance with evicting non-tenants/people doubling up
- Clarify when security deposits should be mailed and what to do if tenant provides no forwarding address

Thank you





## Memorandum

To: Members of Housing & Community Development Committee  
From: Ana Elizarraga, Housing & Economic Development Analyst  
CC: Marion Johnson, Housing & Grants Supervisor; Elizabeth Williams, Interim Housing & Grants Manager; Sarah Flax, Community Development Director  
Subject: Approval to Recommend the Expansion of the Small/Medium Landlord Financial Assistance Program  
Date: June 20, 2023

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Recommended Action:

Staff recommends the Housing & Community Development Committee recommends approval of the expansion of the Small/Medium Financial Assistance Program geographic eligibility criteria to include five (5) additional census tracts.

Committee Action:

For Action

Summary:

**Proposed Expansion**

Staff recommends expanding the eligible areas to provide financial assistance to a wider group of landlords. The proposed geographic area would include five additional census tracts: 8103.02, 8101, 8097, 8096, and 8095 (see map) with the exclusion of tract 8094. This additional set was selected using the same Urban Institute Emergency Rental Assistance Priority Sub-Indices used to set up the initial geographic eligibility (based on the COVID-19 Impact and Equity Sub-indices). Census tracts with combined COVID/Equity sub-indices percentiles higher than the Evanston average of 119 have been included in the proposed program eligibility area. By including these additional tracts, the program's benefits can be extended to more landlords in areas impacted by COVID-19 that tend to have more naturally occurring affordable housing. The financial assistance provided under the program will continue to be based on 75% of the difference between the net rental income reported in 2019 and 2021 for eligible rental dwelling units up to a maximum of \$15,000 per eligible landlord.

**Current Program Update:**

Since the launch of the program on May 1, 2023, in three (3) census tracts (8092, 8102, and 8103.01), twenty-three (23) applications have been submitted. Thirteen (13) applications were approved for an average assistance amount of \$7,607.84. 69% of the approved applications

came from census tract 8092. To date, \$110,101 of assistance is in the process of being disbursed to eligible applicants.

<b>Small Landlord Assistance Program by The Numbers</b>	
<b>Total Program Amount:</b>	\$500,000.00
<b>Total Amt. Approved for Disbursement:</b>	\$110,101.25
<b>Remaining Funds:</b>	\$389,899.00
<b>Average Funding Amount:</b>	\$7,607.84
<b>Submitted Applications:</b>	23
<b>Approvals:</b>	13

Four (4) applications were approved at the full amount (\$15,000), and ten (10) applications were denied. Denials were based on applicants not meeting one or more of the requirements to be eligible, such as the number of units owned, the location of the rental property, or incurred losses in fiscal years 2019 and/or 2021. Three (3) of the denied applications may be eligible under the expansion of this program.

**Exclusion of Census Tract 8094:**

Staff recommends the exclusion of census tract 8094 from this expansion. While 8094 ranks high in the COVID-19 Impact sub-index, the data for this tract is skewed due to the large population of low-income students and their characteristics, as indicated by the Urban Institute.

The 8094 census tract shows an estimated sixty-two (62) landlords who own 35 or fewer residential rental units registered with the City of Evanston. The large majority of the eligible rental properties in this area have been identified in the rental registry as upscale condominiums, and single-family rental homes of 3+ bedrooms valued at above \$1M, per Zillow.com. Renters in 8094 paid \$1,500 more in gross rent on average than the current and proposed expansion tracts (See Figure 1) while the rental stock in 8094 tends to have a larger share of smaller units (studios and 1-bedroom units).

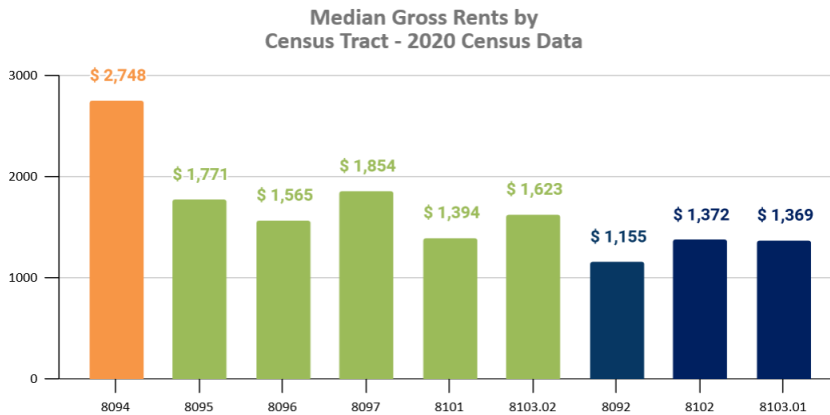


Figure 1

As part of their index, The Urban Institute notes that in many communities, the index may highlight tracts with large populations of university students. This is likely because students are often renters, might be living in crowded situations, and have low incomes, and illustrates the need to pair the index with local knowledge and expertise to make fully informed resource prioritization decisions.

Legislative History:

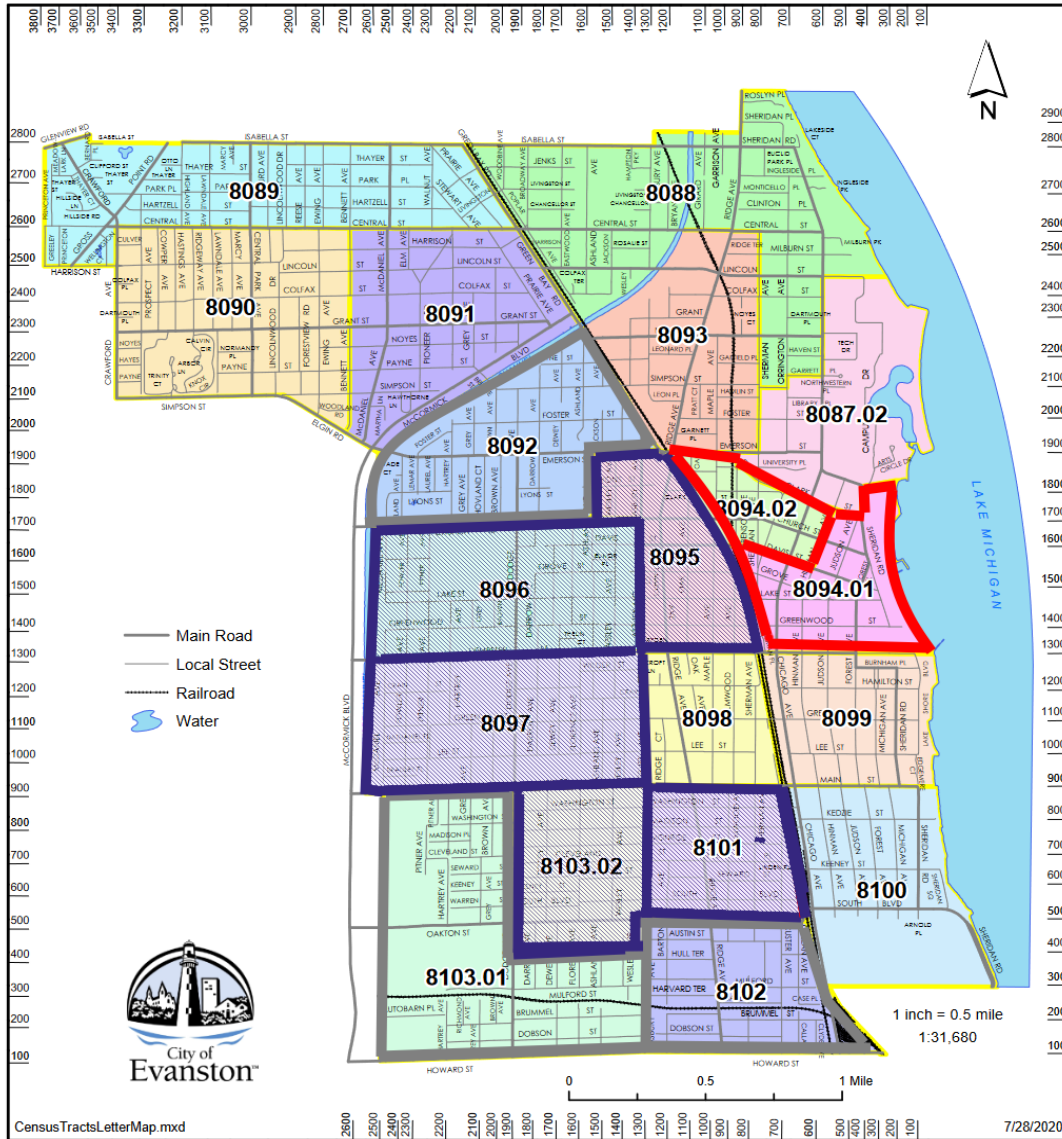
The Small/Medium Landlord Assistance Program was approved by the City Council on February 27, 2023.

Attachments:

[New eligible census tracts Map SMALL LL](#)

PROPOSED ELIGIBILITY PROGRAM AREA

Census Tracts



- New eligible census tracts in deep blue (8095, 8096, 8097, 8101, 8103.02)
- Existing eligible census tracts in grey (8092, 8102, 8103.01)
- Excluded census tract in red (8094)