



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Grants Management Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director, Community Development Services

DATE: December 10, 2009

SUBJECT: AN ORDINANCE APPROVING THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (FY 2009-2010)

Description

On the agenda of the December 14, 2009 meeting of the Urbana City Council Committee of the Whole is an Ordinance approving the Analysis of Impediments to Fair Housing Choice for the City of Urbana (FY 2009-2010). The Analysis of Impediments to Fair Housing Choice (AI) is required by all jurisdictions receiving either Community Development Block Grant (CDBG) or Home Investment Partnerships Program (HOME) funding. The Department of Housing and Urban Development (HUD) recommends that a jurisdiction update its AI every five (5) years. The City's previous AI was completed in 2003 and 2004.

Issues

The issue is whether the Urbana City Council should approve the Ordinance.

Background

As a recipient of Community Development Block Grant (CDBG) funds and Home Investment Partnerships Program (HOME Program) funds, the City of Urbana is required by the Department of Housing and Urban Development (HUD) to perform an Analysis of Impediments to Fair Housing Choice (AI). This includes the following:

- 1. Conduct an analysis to identify impediments to fair housing choice within the Jurisdiction*
- 2. Take appropriate actions to overcome the effects of any impediments identified through the analysis*
- 3. Maintain records reflecting the analysis and actions taken in this regard.*

In updating the AI, staff conducted research and personal interviews with local stakeholders. Consultation included interviews with Human Relations Officer Todd Rent and Champaign Urbana Tenant Union Executive Director Esther Patt, who provided data on discrimination intake and current housing trends. Demographic data, housing data, community development information, and related background information have been included in the report to reflect the current housing market and the most recent data sources. This includes sources such as Home Mortgage Disclosure Act (HMDA) data, 2003-2007 American Community Survey by the U.S. Bureau of Census, and the most recent decennial U.S. Census.

The framework of the AI is organized in accordance with the Department of Housing and Urban Development's *Fair Housing Planning Guide*. While the AI roughly extends over a five-year period, it can be amended at any time in order to reflect new concerns in the community. A copy of the most recently updated AI is attached for Council review.

Public hearings were held December 8, 2009 at 10:00 a.m. and 11:00 a.m. to accept comments on the proposed AI prior to the December 14, 2009 Committee of the Whole meeting. No public comments were made during those public hearings. The AI has also been available for review and comment on the City website since November 20, 2009. The deadline for submittal of written comments is 5:00 p.m., December 21, 2009. No comments have been submitted to date regarding the proposed AI. Any comments received prior to the deadline will be provided to Council via memo at its December 21, 2009 regular meeting.

Formal submission of the AI to HUD is not required. However, the City is required to officially certify its efforts in evaluating and addressing impediments to fair housing choice by signature of the Mayor.

At its November 24, 2009 regular meeting, the Urbana Community Development Commission (CDC) reviewed the AI and recommended to remove the requirement for consideration of discrimination testing from the report in favor of educational programs. The Commission felt that the recommendation for a testing program was suggestive of an imperative action and that a broader statement would be more inclusive of other program options. In addition, a testing program would likely require a significant investment of tax dollars. The CDC voted to change the last sentence on page ten (10) under the *IMPEDIMENT: INEFFICIENT COMPLAINT SYSTEM* section and any subsequent references thereafter as follows:

“The City ~~will~~ **could** consider undertaking a ~~tailored testing~~ program of its own to minimize consulting expenses, obtaining preliminary results to determine if further ~~testing~~ **is programs are** necessary.”

The Urbana Community Development Commission voted to forward the ordinance and report as amended to the Urbana City Council with a recommendation for review and approval (5 ayes, 1 nay). Unapproved minutes from this meeting are attached for Council review.

Options

1. Approve the Ordinance.
2. Approve the Ordinance with changes.
3. Do not approve the Ordinance.

Fiscal Impacts

There are no direct fiscal impacts associated with the adoption of the Analysis of Impediments to Fair Housing Choice.

Recommendations

The Urbana Community Development Commission forwarded the Ordinance to Council with a recommendation for review and approval.

Memorandum Prepared By:

Jennifer Gonzalez
Associate, Grants Management Division

Attachments:

1. AN ORDINANCE APPROVING THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR THE CITY OF URBANA 2010
2. DRAFT CITY OF URBANA ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE 2010
3. Unapproved Minutes from November 24, 2009 Community Development Commission Meeting

ORDINANCE NO. 2009-12-127

AN ORDINANCE APPROVING THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR THE CITY OF URBANA (FY 2009-2010)

WHEREAS, the City of Urbana receives Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funding from the U.S. Department of Housing and Urban Development; and

WHEREAS, as a recipient of these funds, the City of Urbana is required to develop and update an Analysis of Impediments to Fair Housing Choice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That *The Analysis of Impediments to Fair Housing Choice for the City of Urbana (FY 2009-2010)*, substantially in the form of the copy of said document attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, is hereby authorized to execute said document as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor

2010

**ANALYSIS OF IMPEDIMENTS
to Fair Housing Choice**



City of Urbana
Grants Management
January 2010



Analysis of Impediments to Fair Housing Choice for the City of Urbana (FY 2009-2010)

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I. EXECUTIVE SUMMARY

The purpose of the Analysis of Impediments to Fair Housing Choice (AI) is to address barriers to fair housing within the Urbana community. To meet the requirements of the Civil Rights Act of 1968 and the Housing and Community Development Act of 1974, any community receiving entitlement funding is required to submit certification of its efforts to affirmatively further fair housing. The last Analysis of Impediments to Fair Housing Choice (AI) was developed in 2003, and much has changed since then. This report serves as a summary of the most recent analysis performed by the Grants Management Division and is followed by recommendations for future actions needed to remove these barriers. As a recipient of Community Development Block Grant (CDBG) and HOME Investment Partnership Program funds, the City of Urbana will perform the following tasks:

- (1) Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
- (2) Take appropriate actions to overcome the effects of any impediments identified
- (3) Maintain records reflecting the analysis and actions in this regard

The Department of Housing and Urban Development (HUD) has defined *impediments* in the Fair Housing Planning Guide, Volume I, as:

“Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin which restrict housing choices or the availability of housing choices; or

Any actions, omissions, or decisions which have the effect of restricting housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.”

Since 2003, the population has increased, development of affordable housing is underway, and housing discrimination complaints have dropped significantly since 2001 (see Appendix E). This does not necessarily mean that discrimination is not occurring within the housing market, but it may be an indicator that landlords are becoming more aware of their obligations under the Fair Housing Act and Urbana’s Human Rights Ordinance.

Factors considered in the development of this report include:

- Discrimination
- Accessible housing stock for persons with disabilities
- Affordable housing options
- Proximity of housing to employment opportunities
- Age of housing stock – utility costs, presence of lead
- Housing discrimination complaint process
- Public housing access and availability

-
- Financial barriers
 - Secondary issues related to housing, such as transportation options, economic development, and social services

The AI is made available on the City of Urbana’s website for public review and comment or in print form upon request. There is also an online comment form for those desiring to make recommendations or ask questions concerning the document located on the website. It is made available to persons with disabilities in electronic format compatible for persons needing large print material, and staff are available to read the report orally if requested. For those without access to the internet, print copies are also available upon request. Persons in need of a copy of the report in an alternate format, such as Braille or translated into a language other than English should contact the Grants Management Division to make these arrangements.

Every case of discrimination is unique; as such, each case must be handled differently. The Champaign Urbana Tenant Union (CUTU), the City of Urbana’s Human Rights Commission, and the Department of Housing and Urban Development all handle complaint intake and deal with each case according to the protected class involved. While the intake process can be simple, utilizing the legal system to remedy a problem can take up to a year or more before reaching a resolution.

Other impediments can be combated with various tactics such as policy initiatives, research, and financial assistance. The list of protected classes spans across more than a dozen categories, rendering a broad range of factors to take into consideration for such decisions. The City of Urbana, the Champaign Urbana Tenant Union, Land of Lincoln Legal Assistance, and several other organizations work to assist those facing housing challenges in several ways. Educational programs, marketing material, and grant programs offer some form of assistance to those struggling in the housing market. Some of the programs offered by the City of Urbana include:

- Whole House Rehabilitation Program
- Accessibility Grants
- Down payment Assistance
- Senior Repair Service

In addition to these programs offered by the City, a multitude of assistance programs exist to assist low-income renters and homeowners, including:

- Champaign County Regional Planning Commission’s Weatherization Program
- U.S. Department of Health and Human Services’ Low-Income Home Energy Assistance Program (LIHEAP)
- Illinois Housing Development Association’s Mortgage Credit Certificate Program

This analysis has identified four overarching impediments to fair housing choice, which are then broken into 14 categories critical to the Urbana community. While not all of the impediments have an immediate feasible response, awareness of these issues can help to guide future policy decisions. Below is the list of identified impediments and subsequent recommended actions:

IDENTIFIED IMPEDIMENTS & RECOMMENDED ACTIONS	
IMPEDIMENT: DISCRIMINATION ON THE BASIS OF MENTAL OR PHYSICAL DISABILITY	
EXPLANATION	CURRENT/RECOMMENDED FUTURE ACTION
There is insufficient data on the supply and demand of accessible housing.	Survey the existing housing stock for accessibility standards, both for quality and quantity.
There is no requirement stipulating that public or private property owners reserve/hold open accessible units for persons with physical disabilities, even if the unit is accessible.	Work with Persons Assuming Control of their Environment (PACE) to create better cooperation between the landlords and realtors of the area, facilitating the housing process for persons with disabilities and ensuring that the accessible housing units listing be as up-to-date as possible.
Persons who have developed a disability suddenly or over time often cannot afford to make modifications to their home, forcing them to seek out other housing that may also not be as affordable.	The City of Urbana offers up to \$5,000 for installation of Americans with Disabilities Act modifications in the home. The program is available city-wide to persons with disabilities who fall below 80% of the area median income limit.
Many units advertised as "accessible" do not have wheelchair accessible showers, or may lack other necessities.	Work with local organizations to educate property owners on the needs of the disabled community, as well as advocate the living terms already outlined by Persons Assuming Control of their Environment (PACE).
Landlords are often unaware of grants programs that allow for necessary modifications to rental properties for persons with physical disabilities.	Market the Access Grants available specifically to landlords. Furthermore, residential City-funded projects undertaken within city limits are required to adhere to the visitability standards outlined in the City of Urbana Visitability Ordinance. (See Appendix H)
IMPEDIMENT: CULTURE/LANGUAGE BARRIERS	
EXPLANATION	CURRENT/RECOMMENDED FUTURE ACTION
A significant percentage of the population speaks English as a second language, making the search for housing a challenge.	Encourage landlords and realtors to advertise housing opportunities in multiple languages by working with international organizations at the University of Illinois.
Some landlords may be unwilling to translate documents into a language other than English or may be unwilling to offer a translator.	Encourage landlords and realtors to offer legal documents in other languages for the purpose of understanding the terms of a lease or mortgage. Work with the University of Illinois to complete these tasks.
Cultural differences in housing standards may preclude some landlords and realtors from clearly conveying the expectations of a renter/homeowner.	Work with local community groups to create homeowner and renter pamphlets in other prevalent languages, outlining common expectations of a renter/homeowner. Information can then be printed and used by landlords, realtors, and other housing stakeholders to encourage cultural understanding.

IMPEDIMENT: INEFFICIENT COMPLAINT SYSTEM	
EXPLANATION	CURRENT/RECOMMENDED FUTURE ACTION
Many residents do not know what to do or where to go when they are faced with discrimination.	Work together with the Human Relations Commission and the Champaign Urbana Tenant Union (CUTU) to create a marketing strategy aimed at better educating community members of their rights as tenants and homeowners. Joint funding between these agencies will help create a more effective, economical campaign.
The court system in place for handling discrimination cases is slow.	Facilitate lateral coordination across multiple agencies in order to more efficiently direct discrimination complaints. Facilitate meetings to discuss this possibility with the CUTU, City of Urbana, and Persons Assuming Control of their Environment.
IMPEDIMENT: HOUSING AFFORDABILITY	
EXPLANATION	CURRENT/RECOMMENDED FUTURE ACTION
Over 70% of homes in Urbana were built before 1979. Upkeep of these homes can be costly, causing some to defer maintenance.	The City of Urbana runs a Whole House Rehabilitation Program to assist low-income residents in need of home repair, offering a combination of grants and deferred loans to those who qualify.
Affordability mismatch occurs when units that are affordable (or do not present a cost burden of more than 30% total income) are not rented to families within a certain percentage of Median Family Income are. For example, if a family whose income falls above 50% MFI is living in a home affordable to persons whose income only reaches 30% MFI, essentially it reduces the available affordable units for the lower income group.	The City is participating in the preparation of a Housing Needs Study for the Champaign-Urbana area to identify gaps in the housing stock. This will include an analysis of current housing availability and a projection of future housing needs.
Utility costs can present a significant barrier to homeownership. Even if a prospective homeowner is aware of the benefits of a home with energy efficient features, the initial cost of installing such features can be discouraging.	The City of Urbana has partnered with Ecological Laboratory Construction, a certified Community Housing Development Organization, to help make energy efficient design more affordable. Two housing units have been built and sold to date. The Crystal View Townhomes Affordable Housing Project also offers many different energy efficient design elements in 70 units currently under construction. The City received an Energy Efficiency and Conservation Block Grant to assist homeowners in auditing their homes and reducing energy bills. The Low Income Home Energy Assistance Program (LIHEAP) run by Champaign County also offers assistance to those in need of assistance in covering energy costs of heating and cooling homes.
According to Comprehensive Housing Affordability Strategy (CHAS) data provided by the Department of Housing and Urban Development (2002), 50.5% of renters and 37% of owners are experiencing a housing cost burden (i.e. paying more than 30% of total income towards housing) in Urbana.	Market available assistance opportunities to low-income residents in an effort to reduce cost burden throughout the community.

IMPEDIMENT: DISCRIMINATION ON THE BASIS OF MENTAL OR PHYSICAL DISABILITY

Accessibility/Mismatch

Accessible units are often leased out to tenants not needing these accommodations, resulting in a mismatch of tenants to units, and reducing the options for those who need it most. Persons Assuming Control of their Environment (PACE) serves the Champaign-Urbana area with informational services for persons with disabilities, among other things, and has identified accessible, affordable housing as one of the most common needs in the community (<http://www.pacecil.org/housing.html>). To help address this issue, PACE Homeowner Coalition offers a listing of accessible units by request, narrowing down the search for those in need.

IMPEDIMENT: CULTURAL/LANGUAGE BARRIERS

American Community Survey estimates provided by the U.S. Census Bureau show that Urbana has approximately 6,465 non-U.S. citizens, accounting for 17.4% of the population. These demographics are important to identifying and encouraging outreach opportunities. One of the most common barriers for non-U.S. citizens regarding finding housing lies in a lack of ability to communicate effectively with realtors and landlords. The City of Urbana will work with organizations at the University of Illinois to encourage landlords and realtors to offer legal documents in other languages for the purpose of understanding the terms of a lease/mortgage.

IMPEDIMENT: INEFFICIENT COMPLAINT SYSTEM

The Urbana Human Relations Commission actively works to better educate residents on their rights under the provisions laid out in the Urbana Human Rights Ordinance and the federally-mandated Fair Housing Act. When resolutions are not made at the local level, residents faced with discrimination from a landlord have the option of taking the issue to court. The legal system can take up to a year or more to resolve such matters, which may deter residents from formally filing a complaint.

Educational efforts are an important priority to preventing discrimination issues. In the fall of 2009, the City distributed more than 10,000 door hangers to local multi-family residences containing essential information on resident services offered in Urbana. The Human Rights Ordinance is available on the City's website, along with contact numbers for staff heading fair housing initiatives.

IMPEDIMENT: HOUSING AFFORDABILITY

The student population has a significant impact on housing in Urbana. Rents can become inflated when Landlords take advantage of the presence of multiple student incomes in a single unit, pricing low-income families and individuals out of the market. The cost of

housing in which the residents are principally students can also drive up rents due to the higher cost of maintenance and repair.

To assist homeowners with the costs associated with rehabilitation, the City offers a Whole House Rehabilitation grant program, providing a combination of grants and loans of up to \$25,000 to income qualified families. Eligible activities involve general repairs which will bring the house into compliance with City codes, including the following: repair or replacement of defective mechanical, electrical, and plumbing systems; repair or replacement of defective building components and surfaces such as foundations, roofs, porches and stairways, floors, ceilings and walls, doors and windows, siding and trim; energy conservation activities such as insulation, caulking and weather-stripping, siding, doors, and windows; lead paint hazard reduction; and accessibility for disabled persons.

Utility costs present a serious issue for many residents as well, particularly those whose budgets are already strained by a high cost burden with rent and mortgage payments. Homestead Corporation of Champaign-Urbana, a Community Housing Development Corporation of the Urbana HOME Consortium, is also developing single-family townhomes, known as the Crystal View Townhomes Affordable Housing Project, currently under construction at the location of the former Lakeside Terrace public housing development. This project also represents a major step in support of efficient housing construction. The various energy efficient design elements of the 70 units being constructed will significantly reduce the cost burden on low-income persons living in the development, increasing the sustainability of the neighborhood as well.

The City maintains active cooperation with organizations offering utility assistance to low-income persons, including the Champaign County Regional Planning Commission (CCRPC), which administers the Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP is funded jointly by the U.S. Department of Health and Human Services and the State of Illinois to help low-income households with their home energy bills by providing bill payment assistance, heating reconnection assistance, and emergency furnace repair/replacement. The program provides a one-time benefit to both eligible renters and homeowners for utility bills. The amount of assistance is determined by income, household size, fuel type, and geographic location. Within just the first three months of administering the program in 2006, CCRPC assisted 1,500 applicants and disbursed over \$500,000 of funding. This program has helped thousands of low-income persons stay on top of their utility bills during peak season.

Ecological Construction Laboratories, a local Community Housing Development Organization funded with HOME Investment Partnerships Program funds to further develop affordable and efficient housing in the area. Two homes have been completed and sold to date, with a third expected to begin construction in the next year.

II. INTRODUCTION

To meet the requirements of the Civil Rights Act of 1968 and the Housing and Community Development Act of 1974, any community receiving entitlement funding is required to submit certification on its efforts to affirmatively further fair housing. As a recipient of Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds, the City of Urbana will perform the following tasks:

- (1) Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
- (2) Take appropriate actions to overcome the effects of any impediments identified
- (3) Maintain records reflecting the analysis and actions in this regard

The primary purpose of this report is to identify both direct and indirect impediments to fair housing in Urbana, IL as defined by federal, state, and local laws. The last Analysis of Impediments to Fair Housing Choice (AI) was developed in 2003 and 2004. This report serves as a summary of the most recent analysis performed by the Grants Management Division (the Division) and is followed by recommendations for future actions needed to remove these barriers.

This analysis was conducted by the Division during the months of May, June, July, and August of 2009. Future actions carried out in accordance with the AI will be recorded and maintained by the Division for public review.

DEFINITIONS

HUD has recently defined “impediments to fair housing choice” to include specific actions as well as a lack of action, as follows:

“Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin which restrict housing choices or the availability of housing choices; or

Any actions, omissions, or decisions which have the effect of restricting housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.”

The protected classes (race, religion, etc.) listed above are derived from the Fair Housing Act and the State of Illinois’ adopted legislation. The City of Urbana chose to expand this definition by amending its Human Rights Ordinance (HRO) in 2000. In addition to the stipulations outlined in the Fair Housing Act, the HRO prohibits any discrimination based on creed, class, age, marital status, appearance, sexual preference, matriculation,

political affiliation, prior arrest or conviction, or source of income. This broader definition encompasses many of the impediments encountered in today's housing market, further protecting prospective homeowners and renters from possible discrimination within Urbana city limits.

FUNDAMENTAL ISSUES

This analysis aims to provide some insight into several fundamental housing issues, including the following:

- Discrimination
- Accessible housing stock for persons with disabilities
- Affordable housing options
- Proximity of housing to employment opportunities
- Age of housing stock – utility costs, presence of lead
- Housing discrimination complaint process
- Public housing access and availability
- Financial barriers
- Secondary issues related to housing, such as transportation options, economic development, and social services

The above issues play an important role in the availability and accessibility of housing to low- and moderate-income families and individuals, especially for those falling within a protected class. In an effort to eradicate any impediments present in the housing market, policy matters are routinely reviewed by the City to eradicate any potential barriers to fair housing choice. While existing policies do not present any immediate concerns, recommendations aim to broaden community awareness and increase understanding of fair housing laws.

METHODOLOGY

A framework for analysis was drafted to guide the Grants Management Division's approach to identifying impediments. The framework included a review of the previous plan's identified impediments and statistical data, research of overlooked or newly developing impediments in today's market in conjunction with the Consolidated Planning process, consultation with key community stakeholders and professional community staff, and finally the development of this final plan which will be carried out over the next five years.

Data included in this report was extracted from various sources, including: the 2000 U.S. Census and the 2005-2007 American Community Survey statistics from the U.S. Census Bureau, Community Housing Affordability Strategy data provided by the Office of

Policy Development and Research within the Department of Housing and Urban Development (HUD), and Home Mortgage Disclosure Act (HMDA) data provided by the Federal Financial Institutions Examination Council, among other sources.

Local information was provided by key social service and governmental agencies, including organizations such as the Champaign County Public Health Department, Champaign County Housing Authority (HACC), Champaign-Urbana Tenant Union, and Persons Assuming Control of their Environment (PACE).

PUBLIC ACCESS & INPUT

The AI is made available on the City of Urbana’s website for public review and comment or in print form upon request. There is also an ongoing online comment form for those desiring to make recommendations or ask questions concerning the document located on the website. It is made available to persons with disabilities in electronic format compatible for persons needing large print material, and staff are available to read the report orally if requested. For those without access to the internet, print copies are also available upon request.

III. COMMUNITY PROFILE

POPULATION AND HOUSEHOLD CHARACTERISTICS

An understanding of the community's context is necessary to analyze the complex issues present in the housing market. The following analysis of the current population trends, growth or decline in the size of the housing market, and highlights of the protected classes in the area provides an in-depth look at the Urbana community and issues pertaining to fair housing choice. Unless otherwise stated, all statistics provided in this report are derived from the 2003-2007 American Community Survey data and the most recent decennial 2000 U.S. Census.

Urbana's incorporated population is presently at 40,550, representing an 11 percent increase in the total population since 2000. The number of units accounted for has only risen slightly, with less than a one percent increase in housing units between 2000 and 2007 (U.S. Bureau of Census). The population is still expected to increase by another 3.2 percent by 2010 due to building activities and annexations. Another important factor to take into consideration is the enrollment at the University of Illinois, which experienced a 15 percent increase from 2000 to 2009. This is partly due to an increase in international enrollment, which was up to 5,794 students in 2008, as well as an increasingly competitive application process.

In 1990, the Caucasian population was 75.7% of the total population, in 2000 it was 67 percent, and The American Community Survey estimate suggests that as of 2007 the Caucasian population has dropped another 3 percent. African American and Asian populations have continued to steadily increase.

The University population significantly changes the household landscape in Urbana, as students tend to live in non-family households, generally rent rather than own, and contribute to the transient nature of the housing community. Artificially inflated rents and student-targeted marketing campaigns present significant barriers to families and individuals seeking housing in the area near campus. With over 20,000 employees, seeking housing close to work can be a challenge for low-income persons. However, Champaign Urbana has been nationally recognized for its public transportation system provided through the Champaign Urbana Mass Transit District. The City of Urbana has also been noted for its walkable, bikeable neighborhoods.

INCOME & EMPLOYMENT DATA

Poverty, concentrated low-income areas, and high housing cost burden play an important role in the availability of housing choice. The unemployment rate for Champaign County has risen significantly over the past few years during the current economic recession. According to Local Area Unemployment Statistics (LAUS), the County's unemployment rate was 4.6% for all of 2003, and by 2008 this had climbed to 6.0%. This rate continues to rise, reaching 8.2% as of September 2009, but this is still lower than the current national unemployment rate of 9.7%.

Table 1

Labor Force & Employment Statistics for Champaign County										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
	99075	99779	99596	99030	98948	101225	102667	104973	105980	105446
Unemployment	3496	3735	4246	4440	4476	4330	3997	4657	6037	7230
Employment	65579	96044	95350	94590	94472	96895	98670	100316	99943	98215
Unemployment Rate	3.5	3.7	4.3	4.5	4.5	4.3	3.9	4.4	5.7	8.2

*Source: Local Area Unemployment Statistics, Bureau of Labor Statistics, <http://www.bls.gov/Lau/>

According to 2002 CHAS data projections, 35% of Urbana’s population is in what HUD considers the very low-income bracket (0-50% of Median Family Income (MFI)), meaning that more than a third of the population earns less than half of the median family income for the Champaign-Urbana area.

COMMUNITY DEVELOPMENT TARGET AREA

The City has outlined the areas needing the most assistance based on 2000 census tract income data. Following HUD’s income guidelines, a Community Development Target Area was established in 1980 for the purpose of facilitating funding efforts to areas demonstrating a high need. The Grants Management Division regularly updates the CD target area as new census data is published, and the most current copy is provided in Appendix B. The Whole House Rehabilitation Program is offered within the boundaries of the CD Target Area.

IV. HOUSING STOCK CONDITIONS

HOUSING MARKET INVENTORY

In 2000 the median value for a single-family, owner-occupied home in Urbana was \$89,500. By 2007, single-family median home values reached \$135,200. In spite of the recently slow housing market, median home values in Champaign-Urbana are still more than twice that of 1990. Table 5 below illustrates the growth in housing value in Champaign-Urbana. Likewise, significant growth has affected median contract rent, although more recently rent has decreased over the last decade. This could be a cause of increased investment in student housing within the University District. Whereas the 2000 median contract rent was \$537, the 2003-2007 median contract rent was \$463. Of the total housing units in 2000, 15,243, or 41 percent, were single-family.

Table 5
Home Values in Champaign-Urbana MSA

	1990	2000	2003-2007
Median Contract Rent	340	537	463
Median Home Value	69,000	89,500	135,200

*Source: U.S. Bureau of Census

One of the greatest impediments to home ownership is lack of access to funding sources, particularly due to poor credit. The Cooperative Extension Service, Land of Lincoln Credit Counseling, and Consumer Credit Counseling currently offer budgeting and money management programs. The closure of the Urban League of Champaign County represented a significant reduction in programs and assistance to residents in the community as well, one of which provided credit counseling.

There are a number of reasons for loan denials, but lending institutions are not required by law to report them. The Home Mortgage Disclosure Act (HMDA) data available only offers a limited depiction of the lending market, organized by race:

Table 6

Denial Rates for Selected Race/Ethnic Groups in Champaign-Urbana			
Race/Ethnicity	Applications Received	Loans Denied	Denial Rate
White	3449	301	8.70%
Black or African American	211	49	23.22%
Asian	248	15	6.05%
American Indian or Alaska Native	6	1	16.67%
Native Hawaiian or Other Pacific Islander	7	7	0.00%
Race not Available	327	39	11.93%
Hispanic/Latino	96	15	15.60%

*Source: Home Mortgage Disclosure Act data provided on the Federal Financial Institutions Examination Council website:

<http://www.ffiec.gov/hmda/>

Subprime lending remains a threat to current and potential homeowners in the market, especially because protected racial and ethnic classes are more likely than non-Hispanic whites to have received subprime loans. Homeowners who purchased their home at a subprime variable rate are in greater danger of defaulting on their mortgages as their interest rates rise. In Champaign County, 61.6 percent of subprime loans had variable rates, with almost one third of those loan rates having been reset in 2008, according to Federal Reserve Board data.

FORECLOSURE

American Community Survey estimates suggest that more than 11 percent of available rental and owner-occupied units are vacant in the Champaign-Urbana market, up 5 percent since 2000. This high vacancy rate is a concern and could in part be due to the recent foreclosure crisis. Many are finding themselves owing more on their mortgage than what their houses are actually worth, forcing some to go into foreclosure. From January through October in 2009, a total of 24 foreclosures have been reported in Urbana. The City continues to monitor the rate of foreclosure, making available information on support services in the area through consultation with local agencies. The Grants Management Division also provides each person inquiring on homeownership assistance with a packet containing valuable information warning residents about the risk of subprime lending and fraud which was distributed by HUD earlier this year.

HOUSING STOCK CONDITIONS

The 2005-2007 American Community Survey shows a total of 16,241 housing units in Urbana, representing an additional 930 units built since 2000. In Urbana, 60% of the occupied housing units are renter-occupied, while 40% are owner-occupied. Ownership has increased since 2000, when 37% of occupied housing units were owner-occupied and 63% were renter-occupied. The *Tenure and Family Type* map provided in Appendix B shows housing units based on tenure and family versus non-family households.

Current information on the condition of housing stock in Urbana is provided by the U.S. Census Bureau AND THROUGH THE RESULTS OF THE City's systematic Rental Housing Inspection Program. However, the City of Urbana is unique in the Champaign County area because of its Rental Registration and Inspection Program. This allows city inspectors to review the rental housing stock every 3 years. In addition to these records, the age of housing stock provided by the U.S. Bureau of Census is one factor that stands as a good indicator of possible housing needs. Table 2 below lists the age of housing in Urbana by decade.

Table 2

AGE OF URBANA HOUSING STOCK		
Year Built	Number of Units	Percent Total
Built 1999 to March 2000	174	1%
Built 1995 to 1998	1,410	9%
Built 1990 to 1994	798	5%
Built 1980 to 1989	1,816	12%
Built 1970 to 1979	3,034	20%
Built 1960 to 1969	2,713	18%
Built 1950 to 1959	2,027	13%
Built 1940 to 1949	1,003	7%
Built 1939 or earlier	2,268	15%
Total:	15,243	100%

Almost three-fourths of the community's housing was built before 1979, presenting several challenges. Lead based paint was considered eradicated from the market only after 1979. Raw data leaves 11,045 of Urbana's 15,243 units at a risk for presence of lead based paint, although the risk of lead poisoning is only considered a threat to children under the age of six. General maintenance and upkeep of older homes can be costly, impacting many individuals and families with limited incomes. In addition to providing prospective rehabilitation applicants with lead awareness packets, the City also

offers this informational material at public events such as Neighborhood Nights, National Night Out, and the Annual Housing Fair. Three times per year the Grants Management Division publishes a Neighborhood Newsletter that often incorporate lead awareness information, providing contact information to those concerned about lead in their homes. The State Of Illinois also funds the City’s ‘Get the Lead Out’ Program to assist eight Urbana homes over the course of three years, further eradicating the risk of lead in the community.

Older housing also presents many energy efficiency challenges, potentially putting a strain on utility budgets. The Champaign County Regional Planning Commission offers a Weatherization Program to income-qualified applicants residing in Champaign County that provides grant assistance towards improving home efficiency. The Low-Income Housing Energy Assistance Program (LIHEAP) offers utility assistance to income-qualifying families and individuals, reducing housing cost burden for families in Urbana. In addition to this program, the City recently received funding through the federal Energy Efficiency and Conservation Block Grant Program to purchase a blower door to be used for performing audits on both commercial and residential buildings. The City has also partnered with Ameren on its Act on Energy Program, ultimately helping residents and business owners alike in identifying strategies to reduce energy costs in the home or workplace.

The Urbana HOME Consortium and the City of Urbana are also participating in funding cost-efficient design features in the new Crystal View Townhomes project that is replacing the former Lakeside Terrace project. Among other design features made possible through a state grant, these units utilize geothermal heating in the hopes that this will significantly reduce the utility cost burden on low-income families.

HOUSING NEEDS ANALYSIS

The latest information available on the housing stock is provided by HUD through the CHAS data frames. Table 3 below outlines the housing and cost burden need of each income category and population group as defined by HUD for homeowners:

Table 3

HOUSING ASSISTANCE NEEDS OF LOW & MODERATE INCOME OWNER HOUSEHOLDS – Urbana, 2000: CHAS Data					
OWNER HOUSEHOLDS BY TYPE, INCOME & HOUSING PROBLEM	Elderly 1& 2 Members	Small Related (2 - 4)	Large Related (5 or more)	All Other Households	Total Owner Households
<u>0 to 30% MFI</u>	94	40	15	70	219
Percent with any Housing Problem	85.1%	62.5%	100%	78.6%	79.9%
Percent Cost Burden >30%	85.1%	62.5%	100%	64.3%	75.3%
Percent Cost Burden >50%	53.2%	62.5%	100%	50%	57.1%
<u>31 to 50% MFI</u>	203	80	29	90	402
Percent with any Housing Problem	48.8%	87.5%	13.8%	55.6%	55.5%
Percent Cost Burden >30%	48.8%	87.5%	13.8%	55.6%	55.5%
Percent Cost Burden >50%	9.4%	43.8%	13.8%	27.8%	20.6%
<u>Other Low-Income (51 to 80% MFI)</u>	270	250	55	140	715
Percent with any Housing Problem	24.1%	22%	54.5%	39.3%	28.7%
Percent Cost Burden >30%	24.1%	22%	36.4%	39.3%	27.3%
Percent Cost Burden >50%	0%	4%	0%	7.1%	2.8%
<u>Total Households**</u>	1626	2369	314	945	5254
Percent with any Housing Problem	17.7%	7.8%	26.8%	23.3%	14.8%

*Source: <http://www.huduser.org/datasets/cp.html>

While every income level has housing problems present, the lowest income groups (extremely low-income and very-low income) have a greater prevalence of housing cost burden, meaning that the household must pay an amount greater than 30 percent of their income for housing each month. A significant number of households pay in excess of 50 percent for housing costs, meaning more than half of their earnings go towards rent or mortgage bills, regular maintenance, and utility costs. Housing Problems are an issue to both homeowners and renters. Renters have housing burden and housing problem numbers similar to those of homeowners, as illustrated in Table 4 below:

Table 4

HOUSING ASSISTANCE NEEDS OF LOW & MODERATE INCOME RENTER HOUSEHOLDS Urbana, 2000: CHAS Data					
RENTER HOUSEHOLDS BY TYPE, INCOME & HOUSING PROBLEM	Elderly 1 & 2 Members	Small Related (2 - 4)	Large Related (5 or more)	All Other Households	Total Renter Households
<u>Extremely Low-Income (0 to 30% MFI)</u>	239	525	64	2258	3086
Percent with any Housing Problem	43.5%	87.6%	84.4%	84.3%	81.7%
Percent Cost Burden >30%	43.5%	82.9%	84.4%	83.6%	80.4%
Percent Cost Burden >50%	28.9%	69.5%	62.5%	77.1%	71.7%
<u>Very Low-Income (31 to 50% MFI)</u>	254	469	70	1144	1937
Percent with any Housing Problem	48.8%	76.5%	64.3%	87.8%	78.1%
Percent Cost Burden >30%	48.8%	72.5%	50%	87.8%	77.6%
Percent Cost Burden >50%	21.3%	8.5%	0%	27.5%	21.1%
<u>Low-Income (51 to 80% MFI)</u>	97	584	80	1139	1900
Percent with any Housing Problem	40.2%	32.4%	50%	28%	30.9%
Percent Cost Burden >30%	29.9%	18.7%	12.5%	26.7%	23.8%
Percent Cost Burden >50%	10.3%	.7%	0%	1.8%	1.8%
<u>Total Households**</u>	780	2233	254	5690	8957
Percent with any Housing Problem	42.6%	47.2%	54.7%	57.3%	53.4%

*Source: <http://www.huduser.org/datasets/cp.html>

The data above help us understand the projection of needed housing in Urbana. It is essential that the community provide for a wide variety of incomes, allowing for residents to choose various housing options within the community as their needs and preferences change. This especially applies to aging residents who may require housing that is adaptable to their evolving needs, as well as to persons experiencing fluctuations in income and household size.

The City recently adopted a rental registration program to further enforce code and zoning compliance among single family, duplex, and multi-family units rented, which is particularly important to ensuring housing safety in a community with more than 50% rental property. This is to the advantage of the average renter, who may very well be unaware of a landlord's duties, and also should be reflected in future data sets that seek to report housing problems.

Currently, the most pressing housing community development need in the Urbana community is affordable housing. The City has identified this gap in its Consolidated Plan for program years 2005-2009, recognizing the lack of local non-profit organizations with the capacity to develop and operate affordable housing. Rental housing is still a high priority, as well as addressing the need for housing that meets accessibility and visitability standards for persons with disabilities.

To further address issues concerning the housing stock, the City of Urbana, City of Champaign, Champaign County Regional Planning Commission, City of Rantoul, and the Housing Authority of Champaign have been meeting regularly to evaluate the housing stock in the area. A combination of collecting census data available, sample data collected from site visits, and possible contributions from one or more consulting agencies will help to evaluate the current housing situation and estimate projected needs for the future. A Housing Needs Study is to be completed in 2010.

HOMELESS ISSUES

The Urbana-Champaign Continuum of Care has been in operation since 1995. It consists of a network of local service providers and local governments committed to creating a complete and viable system of delivering housing and supportive services for homeless persons in Champaign County. There are many stages in the Continuum to prevent homelessness and aid in the transition to permanent housing. There are prevention services, outreach/intake/assessment/advocacy, emergency shelter, transitional housing, permanent supportive housing, and permanent housing. The Continuum of Care providers serve the low-income and homeless populations throughout Champaign County, but most have their main offices within the metro area. There are approximately 30 service providers that are members and affiliates of the Continuum. The Continuum has been funded over the years through a multitude of sources including federal, state and local governments, as well as foundations and private donations.

In relation to the homeless population's needs in the area, the Urbana-Champaign Continuum of Care participated in a point-in-time survey during the first week of August 2009 to gather data on the local homeless population and their subsequent needs. Citizens could call or drop in at any Continuum member's agency to report on their current needs. The results of this point-in-time survey revealed a total of 345 homeless households accounting for at least 594 homeless persons in Champaign County.

Compared to the previous survey in January 2009, this represents a twenty percent (20%) increase in accounts of homelessness. At least half (50%) of the homeless households included minors, affecting a total of 358 children between the ages of 0 and 18.

While many of the homeless persons accounted for were unemployed, over fifty percent (50%) held some form of employment. The need for affordable housing in the area is an issue that the City will need to continue to prioritize in its funding allocations, and in working to secure State and Federal funding. Several projects are underway to add to the affordable housing stock, such as the Crystal View Townhomes Project, which will contribute seventy affordable units. The City funds Homestead Corporation and Habitat for Humanity as well, both who build homes for low-income families.

TRANSITIONAL HOUSING PROGRAM

The City of Urbana Grants Management Division offers a Transitional Housing Program to provide housing and support services to selected families who have been participants of one of the other transitional housing programs in the area or who are otherwise homeless. Families live in the houses from six months to two years while making the transition from homelessness to permanent housing. The Transitional Housing Program offers training in life skills and provides supportive relationships and services. To qualify for the program a family should be referred from another transitional housing program, a social service agency, school or church, and must have resided in Champaign County for at least three months. However, self-referrals are also accepted. Eligibility decisions are based on motivation, family size relative to the size of the house, and the potential for successful completion in the program. The City funds this program and provides case management services to the residents. The City owns and leases three of the five transitional housing properties it operates, while the County leases the remaining two units. The Transitional Housing Program is Funded with Community Development Block Grant Funding and Home Investment Partnerships Funding. The latest round of applications resulted in over 30 applications for 5 housing opportunities, suggesting that more transitional housing is needed in the community.

PUBLIC AND SUBSIDIZED HOUSING

The Housing Authority of Champaign County (HACC) owns and rents both elderly and family apartments in Urbana. A full list is provided on the next page, which includes other affordable housing sites in the Champaign Urbana area as well. In 2008 the HACC purchased the Hayes Homes in Urbana which are intended to be used for Senior Housing. Dunbar Court, which is located in northwest Urbana in Census Tract 53, was built in 1950. The HACC plans to convert the units located at Dunbar Court in the near future. A full listing of housing units managed by the HACC is available on the HACC website:

<http://www.hacc.net/Housing/housing.htm> . The list of housing units below gives a general idea of the affordable housing stock in the Champaign Urbana area.

Table 5

AFFORDABLE HOUSING UNITS IN CHAMPAIGN URBANA

Name	Type of Housing	Number of Units
City of Urbana SRPP	Affordable Family	14
Colombia Place	Public One-Bedroom	16
Countrybrook Apartments	Affordable Family	150
Crystal View Townhomes	Affordable Townhomes	70
Dorsey Family Homes	Family	67
Douglass Square	Affordable	50
Dunbar Court	Public Multi-Family	26
Florida House	Public Elderly	120
Hayes Homes	Public One-Bedroom	6
Oscar Steer Place	Public Multi-Family	104
Prairie Green Apartments I	Affordable Family (Low-Income Housing Tax Credit)	56
Prairie Green Apartments II	Affordable Family (Low-Income Housing Tax Credit)	24
Prairie Green Apartments III	Affordable Family (Low-Income Housing Tax Credit)	48
Rainbow Apartments	Affordable Family (Low-Income Housing Tax Credit)	72
Scattered Sites	Varies	16
Skelton Place	Public Single Room Occupancy and One-Bedroom	84
Washington Square Apartments	Public Elderly	104

The Housing Authority of Champaign County Annual Action Plan for Fiscal Year 2010-2011 outlines the HACC's latest progress for addressing the revitalization and restoration needs of public housing. The Housing Authority completed the demolition of the 99-unit Lakeside Terrace public housing apartment complex in program year 2006 as part of the preparation for the new construction of affordable rental housing units on the site known as Crystal View Townhomes. The Illinois Housing Development Authority approved the application of Crystal View L.L.C. for Low-Income Housing Tax Credits needed to finance the redevelopment project in March 2008. The project is being undertaken by Brinshore Development, L.L.C. in limited partnership with Homestead Corporation of Champaign-Urbana, one of the Consortium's certified Community Housing Development Organizations.

Construction on the 70-unit mixed-income affordable housing development began in May 2009. There are 48 two bedroom/one and a half bath units, twelve three bedroom/two bath units and ten four bedroom/two bath units that will provide affordable housing for families in the community, with most residents having household incomes ranging from 30% to 60% of the area median family income. Seven units (10%) will target residents in need of Supportive Housing, eighteen units (25%) will be public housing replacement units administered by the Housing Authority of Champaign County, and seven units (10%) are market rate. The project incorporates sustainability through the use of green technologies. To reduce energy costs, the project includes photovoltaic cells in the community center; use of some recycle content construction products, energy efficient windows, insulation, and appliances and includes geothermal heating, cooling, and hot water systems. As of October 31, 2009, certificates of occupancy were issued for the first four buildings in the project and leasing had begun. Project completion and lease-up is expected by December 2010.

In addition to public housing, Section 8 vouchers are distributed by the HACC. Current data from HACC shows that 1358 families receive Section 8 vouchers in Champaign and Urbana to date. The HACC also has a waiting list of over 1500 families and individuals seeking a Section 8 voucher. Of those receiving voucher assistance, 89% are female heads of household, and 75% are African American. Homestead has a total of six houses in Urbana and three in Champaign.

In order to assess the performance of Public Housing Authorities, HUD requires PHAs to submit data to HUD's Real Estate Assessment Center (REAC) for scoring purposes. HUD scores PHAs on four criteria: physical, financial, management operations, and a customer survey. There is an overall PHA score that is issued based on those four factors for each PHA. There are four designations a PHA can be assessed: a high performer, standard performer, overall troubled, or troubled in one area. Most recently, HACC has been evaluated as a high performer. The City continues to assess the plans formulated by the Housing Authority of Champaign County for consistency with the City objectives for affordable housing each year.

V. PROTECTED CLASSES & DISCRIMINATION CASES

PROTECTION UNDER FEDERAL, STATE, AND LOCAL LAW

The issue of discrimination has been brought to the attention of policy makers on the federal, state, and local levels. Each have adopted legislation prohibiting discrimination, with states and local jurisdictions adopting more stringent measures as each see fit. Title VI of the Civil Rights Act of 1964 originally prohibited discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act, was passed protect persons from discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap.

Since the passage of the Civil Rights Act of 1968, notable additions to the State of Illinois Human Rights Acts extended these protections to include sexual orientation in the listing of protected classes in 2006. This legislation was actually passed after the City of Urbana had already adopted this policy with its amended Human Rights Ordinance in 2000 (see appendix G). Focus on these efforts on the part of policy makers has changed the landscape of housing market practices over the years. In Urbana, discrimination complaints have reduced significantly in the last decade, a good indicator that the landlords have increasingly taken notice of these laws and made efforts to comply with subsequent regulations. Appendix E offers data on the complaints received since 2000, showing that complaints have dropped from 17 in 2001 to 9 in 2004, with the lowest account of complaints occurring in 2005 at 3. Also important to note is the Landlord-Tenant Relationships chapter of the Human Rights Ordinance found in Appendix F, offering further stipulations on best practices to be taken on the part of the landlords in the community as well as on the part of the tenants.

A comprehensive assessment of fair housing takes into account an investigation of protected class representation amongst the resident population to determine whether any socio-economic disparity exists. The list of classes protected under the Urbana Human Rights Ordinance includes: race, color, religion, sex, disability, familial status, national origin, creed, class, age, marital status, appearance, sexual preference, matriculation, political affiliation, prior arrest or conviction, and source of income. To place these protected classes in the context of the Urbana community, the descriptions below offer an overview of some key issues pertaining to each class.

Race – Color – National Origin

The city-wide minority population is approximately 35 percent, comprised of African American (14%), Asian and Pacific Islanders (14%), Latino Hispanic (3%), two races or more (2%), and Other (2%). Minority representation has increased by almost 10 percent since the 2000 Census, with an estimated current population of 13,142. Also important to

note is the drop in Caucasian residents. In 1990, the Caucasian population was 76 percent of the total population, while in 2000 it was 67 percent. The American Community Survey estimate suggests that as of 2007 the Caucasian population has dropped another two percent. Areas of minority concentration in Urbana are identified in Appendix B and are accompanied with data tables by census tract. Data from the 2000 Census was used to compile the information due to sample population constraints of the more recent American Community Survey data. There are significant minority concentrations in several Urbana neighborhoods, including tracts 51 and 53 which have more than 50 percent African American representation and tract 60 which has over 40 percent of residents identifying with the Asian population.

Familial Status – Marital Status – Gender

One of the frequent complaints received by the Champaign Urbana Tenant Union involves discrimination against familial status. The total population under 18 years of age and living in family households was 5,098, representing 12 percent of the total population. Approximately 1,510 of those children are living in female-headed households.

Families headed by women have lower average incomes, placing them particularly at risk of discrimination due to limited affordable housing choices. Approximately 14 percent of Urbana households are headed by females with related children, compared to the State average of 8 percent.

Appearance – Sexual Preference

The City of Urbana first adopted the protected classes of Appearance and Sexual Preference in 2000, and the State of Illinois later included Sexual Orientation in its Illinois Human Rights Act in 2006. Data collected on these protected classes is processed by the Illinois Department of Human Rights and is kept confidential.

Religion – Political Affiliation – Matriculation

Data is not available from Census or American Community Survey data concerning religious affiliation.

Unique to Urbana is the University of Illinois, boasting an enrollment of more than 40,000 students. The transient nature of student living often leaves them at risk of discrimination from landlords. From withholding security deposits to resisting student tenancy, landlords could take advantage of students who may be inexperienced in the U.S. housing market. This creates a unique and challenging array of housing issues.

Prior Arrest or Conviction

In many communities, residents who have served time in the judicial system have very few opportunities to integrate into the community after being released due to limited housing options. A simple background check can reduce one's chance of obtaining housing, and the programs specifically offering housing opportunities to persons released from jail have limited space. The City of Urbana is unique in that its Human Rights Ordinance, which is available in Appendix G, includes 'prior arrest or conviction' as a protected class. This is not a provision of the Fair Housing Act, and many communities have not yet adopted this as local legislation.

Source of Income

The effects of this protection under the Human Rights Ordinance impact the more than 1,200 residents in Urbana receiving Section 8 voucher assistance. Many cities, including Champaign, grant landlords the option of denying a resident tenancy if they are using a voucher. This is in part due to the stigma of the program as well as the difficulty of having multiple lease contracts that require compliance to the program on the part of the landlord. However, persons holding a voucher have three months to search for housing, and the unit must meet the standards set by HUD's guidelines. In the event that a landlord chooses to bar someone from tenancy, residents can contact the Human Relations Commission through the City of Urbana for assistance.

Disability

Approximately 11 percent of the Urbana community has some form of a disability. This is below the total number of reported disabilities throughout Champaign County, which shows over 21 percent of the total population claiming a disability. The Census reports on the following categories of disability: sensory, physical, mental, self-care, go-outside-home, and employment. About 3,741 Urbana residents claimed over 6,000 reported disabilities in the 2000 Census, suggesting that persons often suffer from more than one disability.

It is important to note that housing discrimination not always limited to a single individual or family. Policies and practices that impede affordable housing choices for those who fall within any of the above classes can indicate discriminatory action on the part of the landlord.

CASES OF DISCRIMINATION

The City of Urbana's Human Relations Commission (HRC), Champaign-Urbana Tenant Union (CUTU), the Illinois Human Rights Commission, and HUD all offer avenues for discrimination complaints. According to long-time CUTU Director Esther Patt, there has

been a dramatic decline in the number of discrimination cases reported each year since the 1980s and 1990s, possibly because of several largely publicized cases resulting in significant damage settlements in 2000 and 2001. The list of discrimination accounts for each year between 2001 and 2008 are available in Appendix E.

While the Champaign Urbana Tenant Union handles complaints regarding lease issues, the organization does not file discrimination complaints. In the event of a case of discrimination, the City of Urbana's Human Rights Commission will handle the intake in order to come to a resolution. According to Todd Rent, the City's Human Rights Officer, the City tries to exhaust all administrative resources prior to filing a formal case with the court system in order to resolve the situation as quickly as possible. Often times landlords will be aware of the laws regarding discrimination but will not always have the resources or knowledge to recognize the applicability of the laws in certain circumstances. Each case is different and needs to be handled on an individual basis. The Human Relations Commission data is also available for review in Appendix E.

VI. IMPEDIMENTS & STRATEGIES

A combination of detailed research, demographic data analysis, consultation with local stakeholders, and review of key reports and documentation listed in Appendix A resulted in a final *Identified Impediments and Recommended Actions* list. Bearing in mind that there are always impediments that go unreported, the following impediments on the next pages represent the most pressing issues to fair housing choice in the market to date. Accompanying each impediment is a suggested action the City has deemed an appropriate response that can be feasibly carried out over the course of this plan.

Table 7: IDENTIFIED IMPEDIMENTS & RECOMMENDED ACTIONS

IMPEDIMENT: DISCRIMINATION ON THE BASIS OF MENTAL OR PHYSICAL DISABILITY	
EXPLANATION	CURRENT/RECOMMENDED FUTURE ACTION
There is insufficient data on the supply and demand of accessible housing.	Survey the existing housing stock for accessibility standards, both for quality and quantity.
There is no requirement stipulating that public or private property owners reserve/hold open accessible units for persons with physical disabilities, even if the unit is accessible.	Work with Persons Assuming Control of their Environment (PACE) to create better cooperation between the landlords and realtors of the area, facilitating the housing process for persons with disabilities and ensuring that the accessible housing units listing be as up-to-date as possible.
Persons who have developed a disability suddenly or over time often cannot afford to make modifications to their home, forcing them to seek out other housing that may also not be as affordable.	The City of Urbana offers up to \$5,000 for installation of Americans with Disabilities Act modifications in the home. The program is available city-wide to persons with disabilities who fall below 80% of the area median income limit.
Many units advertised as "accessible" do not have wheelchair accessible showers, or may lack other necessities.	Work with local organizations to educate property owners on the needs of the disabled community, as well as advocate the living terms already outlined by Persons Assuming Control of their Environment (PACE).
Landlords are often unaware of grants programs that allow for necessary modifications to rental properties for persons with physical disabilities.	Market the Access Grants available specifically to landlords. Furthermore, residential City-funded projects undertaken within city limits are required to adhere to the visitability standards outlined in the City of Urbana Visitability Ordinance. (See Appendix H)
IMPEDIMENT: CULTURE/LANGUAGE BARRIERS	
EXPLANATION	CURRENT/RECOMMENDED FUTURE ACTION
A significant percentage of the population speaks English as a second language, making the search for housing a challenge.	Encourage landlords and realtors to advertise housing opportunities in multiple languages by working with international organizations at the University of Illinois.
Some landlords may be unwilling to translate documents into a language other than English or may be unwilling to offer a translator.	Encourage landlords and realtors to offer legal documents in other languages for the purpose of understanding the terms of a lease or mortgage. Work with the University of Illinois to complete these tasks.
Cultural differences in housing standards may preclude some landlords and realtors from clearly conveying the expectations of a renter/homeowner.	Work with local community groups to create homeowner and renter pamphlets in other prevalent languages, outlining common expectations of a renter/homeowner. Information can then be printed and used by landlords, realtors, and other housing stakeholders to encourage cultural understanding.

IMPEDIMENT: INEFFICIENT COMPLAINT SYSTEM	
EXPLANATION	CURRENT/RECOMMENDED FUTURE ACTION
Many residents do not know what to do or where to go when they are faced with discrimination.	Work together with the Human Relations Commission and the Champaign Urbana Tenant Union (CUTU) to create a marketing strategy aimed at better educating community members of their rights as tenants and homeowners. Joint funding between these agencies will help create a more effective, economical campaign.
The court system in place for handling discrimination cases is slow.	Facilitate lateral coordination across multiple agencies in order to more efficiently direct discrimination complaints. Facilitate meetings to discuss this possibility with the CUTU, City of Urbana, and Persons Assuming Control of their Environment.
IMPEDIMENT: HOUSING AFFORDABILITY	
EXPLANATION	CURRENT/RECOMMENDED FUTURE ACTION
Over 70% of homes in Urbana were built before 1979. Upkeep of these homes can be costly, causing some to defer maintenance.	The City of Urbana runs a Whole House Rehabilitation Program to assist low-income residents in need of home repair, offering a combination of grants and deferred loans to those who qualify.
Affordability mismatch occurs when units that are affordable (or do not present a cost burden of more than 30% total income) are not rented to families within a certain percentage of Median Family Income are. For example, if a family whose income falls above 50% MFI is living in a home affordable to persons whose income only reaches 30% MFI, essentially it reduces the available affordable units for the lower income group.	The City is participating in the preparation of a Housing Needs Study for the Champaign-Urbana area to identify gaps in the housing stock. This will include an analysis of current housing availability and a projection of future housing needs.
Utility costs can present a significant barrier to homeownership. Even if a prospective homeowner is aware of the benefits of a home with energy efficient features, the initial cost of installing such features can be discouraging.	The City of Urbana has partnered with Ecological Laboratory Construction, a certified Community Housing Development Organization, to help make energy efficient design more affordable. Two housing units have been built and sold to date. The Crystal View Townhomes Affordable Housing Project also offers many different energy efficient design elements in 70 units currently under construction. The City received an Energy Efficiency and Conservation Block Grant to assist homeowners in auditing their homes and reducing energy bills. The Low Income Home Energy Assistance Program (LIHEAP) run by Champaign County also offers assistance to those in need of assistance in covering energy costs of heating and cooling homes.
According to Comprehensive Housing Affordability Strategy (CHAS) data provided by the Department of Housing and Urban Development (2002), 50.5% of renters and 37% of owners are experiencing a housing cost burden (i.e. paying more than 30% of total income towards housing) in Urbana.	Market available assistance opportunities to low-income residents in an effort to reduce cost burden throughout the community.

IMPEDIMENT: DISCRIMINATION ON THE BASIS OF MENTAL OR PHYSICAL DISABILITY

Accessibility/Mismatch

Discrimination against protected classes is especially harmful for those with disabilities because housing choice is already limited for this class in terms of the number of accessible units. Accessible units are often leased out to tenants not needing these accommodations, resulting in a mismatch of tenants to units, ultimately reducing the options for those who need it most. Persons Assuming Control of their Environment (PACE) serves the Champaign-Urbana area with informational services for persons with disabilities, among other things, and has identified accessible, affordable housing as one of the most common needs in the community (<http://www.pacecil.org/housing.html>). To help alleviate this issue, PACE Homeowner Coalition offers a listing of accessible units by request, narrowing down the search for those in need. The City will work to assist in keeping this list up to date as well.

Long-term Viability of Housing

One of the barriers to homeownership for low-income residents involves maintenance and repair costs. This can place a burden on homeowners who may already be priced out of the newer home market and thus have limited housing options. Elderly and disabled persons may face an extra challenge in finding affordable remedies to accessibility issues.

In response to these growing needs, the City offers several grant programs to assist low-income Urbana residents. The following list describes each program and its subsequent requirements.

Senior Repair Service

The Senior Repair Service provides non-repayable grants up to \$850 per household for minor home maintenance repairs to enable the citizen to maintain his/her property. Typical projects funded through the Repair Service include: furnace and plumbing repairs, porch and step repair, ceiling, wall, and floor repairs. Eligibility requirements indicate that the homeowner must have resided in the unit for a minimum of one year, must be 62 years of age or older or receive disability payments, must live within Urbana city limits, and must be income qualified at or below 50 percent of area median income (*See Table 8 below*)

Emergency Grant Program

The Emergency Grant Program is available to very low-income homeowners for repair of health or safety items. Emergency grant funds are available only if the repair is immediately needed to mitigate a hazardous condition. Eligible activities include only those repairs necessary to alleviate a hazardous condition which poses a threat to the health and safety of the occupant, including repair or replacement of defective mechanical, electrical or plumbing systems, building

components, and surfaces. Eligibility requirements stipulate that the property must be owner-occupied for a minimum of one year, the property must be located within Urbana corporate limits, the owner must provide evidence of property insurance, and household income may not exceed 50 percent of the area median income (*See Table 8 below*)

Maximum funding through the Emergency Grant Program is \$5,000 per household.

Access Grant Program

The Access Grant Program helps eliminate physical barriers that keep a person with a disability from using his or her home. Eligible households may receive up to \$5,000 of home improvements from a non-repayable grant. Typical projects funded through the Access Grant Program include ramp installation, bathroom modifications, and door widening. Access grants may be used to renovate single-family homes as well as units in duplexes and multiple-family buildings. Eligibility requirements:

- The applicant may be either a homeowner, renter or trust deed recipient.
- Household income may not exceed 80 percent of area median family income. (*See Table 8 below*)
- The property must be located within the Urbana corporate limits.

Get the Lead Out (GLO) Program

The City of Urbana and the Illinois Department of Public Health are working together to promote lead safe housing. Funds may be available to eliminate lead hazards in and around your home. Eligibility requirements are:

- You must have a child 6 years old or younger living in your home.
- Your home was built before 1978 and is within Urbana city limits.
- There must be visible signs of deteriorating paint that might contribute to lead-based paint hazards.
- Your household income may not exceed 50 percent of the area median family income. (*See Table 8 below*)

Whole-House Rehabilitation

Grants and loans totaling up to \$25,000 per project are available for renovation of owner-occupied housing. Half of the assistance is provided by the city in the form of a grant. The grant is generally not repaid to the city. The other half of the assistance is provided either by the city or by a local bank in the form of a loan. Eligible activities include general repairs which will bring the house into compliance with City codes. These include, but are not limited to, the following:

- Repair or replacement of defective mechanical, electrical, and plumbing systems.

- Repair or replacement of defective building components and surfaces, i.e., foundations, roofs, porches and stairways, floors, ceilings and walls, doors and windows, siding and trim.
- Energy conservation activities, i.e., insulation, caulking and weather-stripping, siding, doors, and windows.
- Lead paint hazard reduction.
- Accessibility for disabled persons.
- Incipient repairs and general property improvements of a non-luxury nature.

Eligible applicants for the programs listed above will meet income limits based on Median Family Income as established by the Department of Housing and Urbana Development. New income limits are published each year. Currently, the limits for each family size are as follows:

Table 6:

Income Limits

Family Size	50% of MFI	80% of MFI
1	\$22,800	\$36,500
2	\$26,100	\$41,700
3	\$29,350	\$46,950
4	\$32,600	\$52,150
5	\$35,200	\$56,300
6	\$37,800	\$60,500
7	\$40,400	\$64,650
8	\$43,050	\$68,850

In addition to these programs, the Champaign County Regional Planning Commission administers a Weatherization Grant Program:

The Champaign County Regional Planning Commission (CCRPC) provides energy saving services for home weatherization. Work funded through the program includes caulking, insulation, window repair and replacement, door repair and replacement, and repair or replacement of heating systems. The dwelling to be weatherized must be located within Champaign County.

While the program primarily serves homeowners, renters may be assisted if they are otherwise eligible and if the property owner contributes half of the funds needed for the weatherization work. Income-eligible households with relatively

high energy bills and with either young children, persons with disabilities, or elderly persons receive priority for funding.

There are also several housing opportunities for elderly persons with disabilities in the community, including Edge of Mall Apartments, Florida House, and Sunnycrest Manor. Clark-Lindsey Village in south Urbana offers independent-living apartments, assisted-living apartments, and intermediate- and skilled-nursing care. Canterbury Ridge and Prairie Winds also provide assisted living opportunities in the community.

IMPEDIMENT: CULTURAL/LANGUAGE BARRIERS

American Community Survey estimates provide by the U.S. Census Bureau show that Urbana has approximately 6,465 non-U.S. citizens, accounting for 17.4% of the population. These demographics are important to identifying and encouraging outreach opportunities. One of the most common barriers for non-U.S. citizens regarding finding housing lies in a lack of ability to communicate effectively with realtors and landlords.

Advertisements can be encouraged in multiple languages to ensure that non-citizen parties are reached. Once a family or individual has decided on a place to live, they may have difficulty understanding the terms of the lease or mortgage. Lenders may be unwilling to offer documents in a language other than English, and professional translators can be expensive. The City of Urbana will work with organizations at the University of Illinois to create document templates in foreign languages. This will eliminate translation costs for landlords, encouraging them to offer informational documents in other languages for the purpose of understanding the terms of a lease/mortgage.

City of Urbana Human Relations Officer Todd Rent considers education one of the key components of fair housing. The City will continue to encourage the Human Relations Commission to seek out ways of marketing the Human Rights Ordinance, which outlines the protected classes in Urbana.

IMPEDIMENT: INEFFICIENT COMPLAINT SYSTEM

The City actively works with the Human Rights Commission to better educate residents on their rights under the provisions laid out in the Urbana Human Rights Ordinance and the federally-mandated Fair Housing Act. In the fall of 2009 the City distributed more than 10,000 door hangers to local multi-family residences containing essential information on resident services offered in Urbana. The Human Rights Ordinance is available on the City's website, along with contact numbers for staff heading fair housing initiatives.

When resolutions are not made at the local level, residents faced with discrimination from a landlord have the option of taking the issue to court. Unfortunately, the legal system can take up to a year to resolve such matters, which may deter residents from formally filing a complaint. As such, many cases of discrimination go unreported each year. The City prioritizes maintaining good relationships with local housing stakeholders, encouraging other complaint intake organizations to do the same, so that disputes may be reconciled quickly and without legal assistance whenever possible.

Also of great importance is the issue of testing the market to check for discrimination issues. Discrimination testing can be costly due to the need to hire out consultants qualified to perform the work, and there are also limited organizations qualified to carry out the process. The City will consider undertaking a tailored testing program of its own to minimize consulting expenses, obtaining preliminary results to determine if further testing is necessary.

IMPEDIMENT: HOUSING AFFORDABILITY

As mentioned previously, the Urbana community has a significant number of homes built prior to 1979, accounting for more than 70 percent of the total housing stock. For homeowners this can stand as a barrier to affordable housing due to the added cost of rehabilitation and maintenance needed on an older home. This can also lead to blight and health hazards if problems are left unattended over a long period of time.

To assist residents with the burden of housing rehabilitation, the City offers a Whole House Rehabilitation grant program, providing a combination of grants and loans of up to \$25,000 to income qualified families falling within the Community Development Target Area. Eligible activities involve general repairs which will bring the house into compliance with City codes, including the following: repair or replacement of defective mechanical, electrical, and plumbing systems; repair or replacement of defective building components and surfaces such as foundations, roofs, porches and stairways, floors, ceilings and walls, doors and windows, siding and trim; energy conservation activities such as insulation, caulking and weather-stripping, siding, doors, and windows; lead paint hazard reduction; and accessibility for disabled persons.

Affordability mismatch is also a significant issue among low-income households in Urbana due to the high cost burden. HUD defines housing cost burden as rent paid over 30 percent of household income, including utilities. The chart on the next page outlines the occurrence of mismatch in the community within the 30 percent Median Family Income (MFI), 5 percent MFI, and 80 percent MFI income brackets. For example, line one (1.) refers to the number of occupied units available in the Urbana housing market that are affordable to persons or households falling at or below 3 percent of MFI.

The student population also has a significant impact on housing in Urbana. Rents can become inflated when Landlords take advantage of the presence of multiple student

incomes in a single unit, pricing low-income families and individuals out of the market. The cost of housing in which the residents are principally students can also drive up rents due to the higher cost of maintenance and repair.

Figure 7

Affordability Mismatch Output for All Households

Name of Jurisdiction: Urbana city, Illinois		Source of Data: CHAS Data Book				Data Current as of: 2000			
		Renters Units by # of bedrooms				Owned or for sale units by # of bedrooms			
Housing Units by Affordability	0-1	2	3+	Total		0-1	2	3+	Total
	(A)	(B)	(C)	(D)		(E)	(F)	(G)	(H)
1. Rent <=30%					Value <=30%				
# occupied units	405	129	325	859		N/A	N/A	N/A	N/A
% occupants <=30%	54.3	69.8	41.5	51.8		N/A	N/A	N/A	N/A
% built before 1970	33.3	50.4	49.2	41.9		N/A	N/A	N/A	N/A
% some problem	11.1	50.4	21.5	21.0		N/A	N/A	N/A	N/A
# vacant for rent	0	45	45	90	# vacant for sale	N/A	N/A	N/A	N/A
2. Rent >30% to <=50%					Value <=50%				
# occupied units	1,620	1,755	555	3,930		50	650	1,435	2,135
% occupants <=50%	67.3	48.4	55.9	57.3		80.0	17.7	18.1	19.4
% built before 1970	50.0	39.9	53.2	45.9		100.0	86.9	80.1	82.7
% some problem	58.6	42.2	49.5	50.0		20.0	0.6	2.1	2.1
# vacant for rent	205	180	25	410	# vacant for sale	0	4	40	44
3. Rent >50% to <=80%					Value >50% to <=80%				
# occupied units	1,635	1,395	660	3,690		35	244	1,699	1,978
% occupants <=80%	80.1	68.5	69.7	73.8		28.6	28.3	13.5	15.6
% built before 1970	38.5	31.2	36.4	35.4		97.1	86.1	70.0	72.5
% some problem	64.8	57.3	59.8	61.1		28.6	10.2	1.5	3.0
# vacant for rent	70	45	20	135	# vacant for sale	0	4	40	44
4. Rent >80%					Value >80%				
# occupied units	245	93	194	532		42	202	864	1,108
# vacant for rent	10	20	30	60	# vacant for sale	0	15	20	35

**State of the Cities Data Systems: Comprehensive Housing Affordability Strategy (CHAS) Data. The Department of Housing and Urbana Development's Office of Policy Development and Research. (2000)*

Utility costs present a serious issue for many residents, particularly those whose budgets are already strained by a high cost burden with rent and mortgage payments. The Crystal View Townhomes Affordable Housing Project, currently under construction at the location of the former Lakeside Terrace public housing development, also represents a major step in support of efficient housing construction. The various energy efficient design elements of the 70 townhomes being constructed will significantly reduce the cost burden on low-income persons living in the development, increasing the sustainability of the neighborhood as well.

In addition to these programs and developments, the City maintains active cooperation with organizations offering utility assistance to low-income persons, including the Champaign County Regional Planning Commission (CCRPC) which administers the Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP is funded jointly by the U.S. Department of Health and Human Services and the State of Illinois to help low-income households with their home energy bills by providing bill payment assistance, heating reconnection assistance, and emergency furnace repair/replacement. The program provides a one-time benefit to both eligible renters and homeowners for utility bills. The amount of assistance is determined by income, household size, fuel type, and geographic location. Emergency reconnection assistance also may be available to households that are disconnected from an energy source needed for heating, or if a delivered fuel supplier has refused to deliver and the tank contains 10 percent or less. Reconnection assistance will only be provided to households that have made a good faith effort to maintain their energy services, or that can pay a portion of the amount owed for reconnection.

Within just the first three months of administering the program in 2006, CCRPC assisted 1,500 applicants and disbursed over \$500,000 of funding. This program has helped thousands of low-income persons pay their utility bills during peak season.

The City of Urbana has partnered with Ecological Construction Laboratories, a local Community Housing Development Organization funded with HOME Investment Partnerships Program funds, to further develop affordable and efficient housing in the area. Two homes have been completed and sold to date, with a third expected to begin construction in the next year.

EDUCATION

The Community Reinvestment Act of 1977 (CRA) specifically requires that financial institutions respond to the needs of low- and moderate-income neighborhoods. In 1989, Congress amended the CRA as a part of the Financial Institutions Reform, Recovery, and Enforcement Act, better known as the savings and loan bailout legislation. The amendments require more proactive measures by financial institutions to meet the goals of the original CRA. Each bank has a CRA officer, submits statements to the Federal

Reserve Board, and undergoes standardized bank audits. The most recent HMDA data reports that Busey Bank and Central Illinois Bank have “outstanding” CRA ratings.

The financial institutions in the area and the cities of Champaign and Urbana have formed the Community Reinvestment Group. The Community Reinvestment Group sponsors an Annual Housing Fair, offering workshops on the importance of credit, appraisals, home inspections, and Realtors; fair housing rights and responsibilities for landlords and tenants; and a two-hour workshop on general home maintenance techniques. (<http://ci.champaign.il.us/news/weekly-activity-reports/8th-annual-housing-fair-on-april-12-2008/>)

The Community Reinvestment Group is significant because it helps institutions streamline services offered and keeps members informed of federal program changes as grants and regulations are changed. Many grant programs funded by the City of Urbana in the past have been marketed by members of the CRG to the community, and bank members, such as Busey Bank, Regions Bank, Free Star Bank, First Federal Savings Bank, and National City Bank, have participated in application intake for those seeking further financial assistance when processing a home loan.

For many families seeking a home loan, credit stands as a significant barrier. In 2004, credit problems accounted for 41% of conventional home loan denials and 43% of FHA/VA loan denials in Champaign-Urbana. To combat this issue before it becomes a significant barrier to housing, the Community Reinvestment Group (CRG) offers free credit seminars annually, discussing topics such as managing your credit, identity theft, and predatory lending. The CRG consists of local municipalities, non-profit housing developers, credit counseling agencies, credit unions, and banks all working to promote affordable housing and community reinvestment in Champaign County. (<http://ci.champaign.il.us/news/weekly-activity-reports/free-credit-seminar/>)

SECONDARY ISSUES

Although transportation is considered a secondary issue to housing, it can serve as a significant barrier to those who are unable to drive due to disability or affordability issues and who need to prioritize units with amenities in close proximity to neighborhoods. According to Tom Costello of the Champaign-Urbana Mass Transit District (CUMTD), all Urbana residents are within one-quarter of a mile of a fixed bus route. Furthermore, all MTD buses are equipped with accessibility features for persons with disabilities. In 2009, CUMTD extended their services with the help of a grant to allow for further routes at a much more affordable price. An annual bus pass now costs just \$60 a year for unlimited rides, compared to the previous annual fee of \$235.

The City has also taken an active stance on protecting small business centers throughout the community. The Philo Road Action Plan was approved in 2005 to encourage and

increase investment in the Philo Road business district. The plan aided in preventing the decline in amenities in a neighborhood historically dependent on local commerce, serving many low-income residents. In addition to mitigating blight in the area, the plan helped to promote access to vital services for nearby residents.

Economic Development is also important to maintaining sustainable neighborhoods as well, and the City of Urbana offers several incentive options to draw local businesses to the area. Below is a list of current programs as of 2009:

Urbana TIF Redevelopment Incentive Program: For certain areas in the downtown Urbana and North Cunningham sectors, the City offers loan interest subsidies with possible grants to businesses who are making improvements with 50% exterior changes. The locations are determined by the Tax Increment Finance district boundaries.

Urbana Rent Subsidy Programs: The City offers one-year rent subsidies for up to 50% of the total monthly lease rate for one year to targeted new businesses and art galleries located within the Tax Increment Finance district boundaries in downtown Urbana. The program also includes an opening grant.

Urbana Enterprise Zone Program: For Urbana businesses that are constructing, expanding, or changing their site/building, the two most utilized incentives include sales tax exemptions on building materials, and property tax abatements on improvements in certain locations. The program boundaries include portions of downtown, North Urbana, and East Urbana. Other tax incentives are also available for businesses.

CONCLUSIONS

While the findings in the Analysis of Impediments to Fair Housing Choice for the City of Urbana (FY 2009-2010) outline many of the issues prevalent in the current housing market, it should be noted that the research process is only one step in the overall Analysis. The City will continue to evaluate impediments in the community and take corrective action to further awareness and education among its residents.

The City will continue to foster encouragement between organizations such as the Urbana Human Relations Committee, the Champaign Urbana Tenant Union, and Persons Assuming Control of Their Environment (PACE). Establishing cooperative relationships with local landlords will help to encourage better working relationships and broader understanding of the issues surrounding fair housing choice.

The Grants Management Division will also continue to evaluate the recommendations made in this AI each year, providing updates on any progress and reporting on the results in each Annual Action Plan published during the end of the Fiscal Year.

A. Resource List

Champaign County Regional Planning Commission, Newsletter April 2007.

City of Urbana, 2009. FY 2009-2010 Annual Action Plan.

Housing Authority of Champaign County, 2003, Housing Authority of Champaign County PHA Plans: 5-Year Plan for Fiscal Years 2003-2007, Annual Plan for Fiscal Year 2003.

Persons Assuming Control of their Environment (PACE). Accessible Affordable Housing. <http://www.pacecil.org/housing.html>

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State of Illinois, 2009. State of Illinois Analysis of Fair Housing Impediments.

United States Department of Commerce. Bureau of the Census. Census 2000 website <http://www.census.gov>

United States Department of Commerce. Bureau of the census. American Community Survey 2005-2007. <http://www.census.gov>

United States Department of Housing and Urban Development. Office of Fair Housing and Equal Opportunity. Fair Housing Planning Guide Volume 1. Washington: GPO, 1996

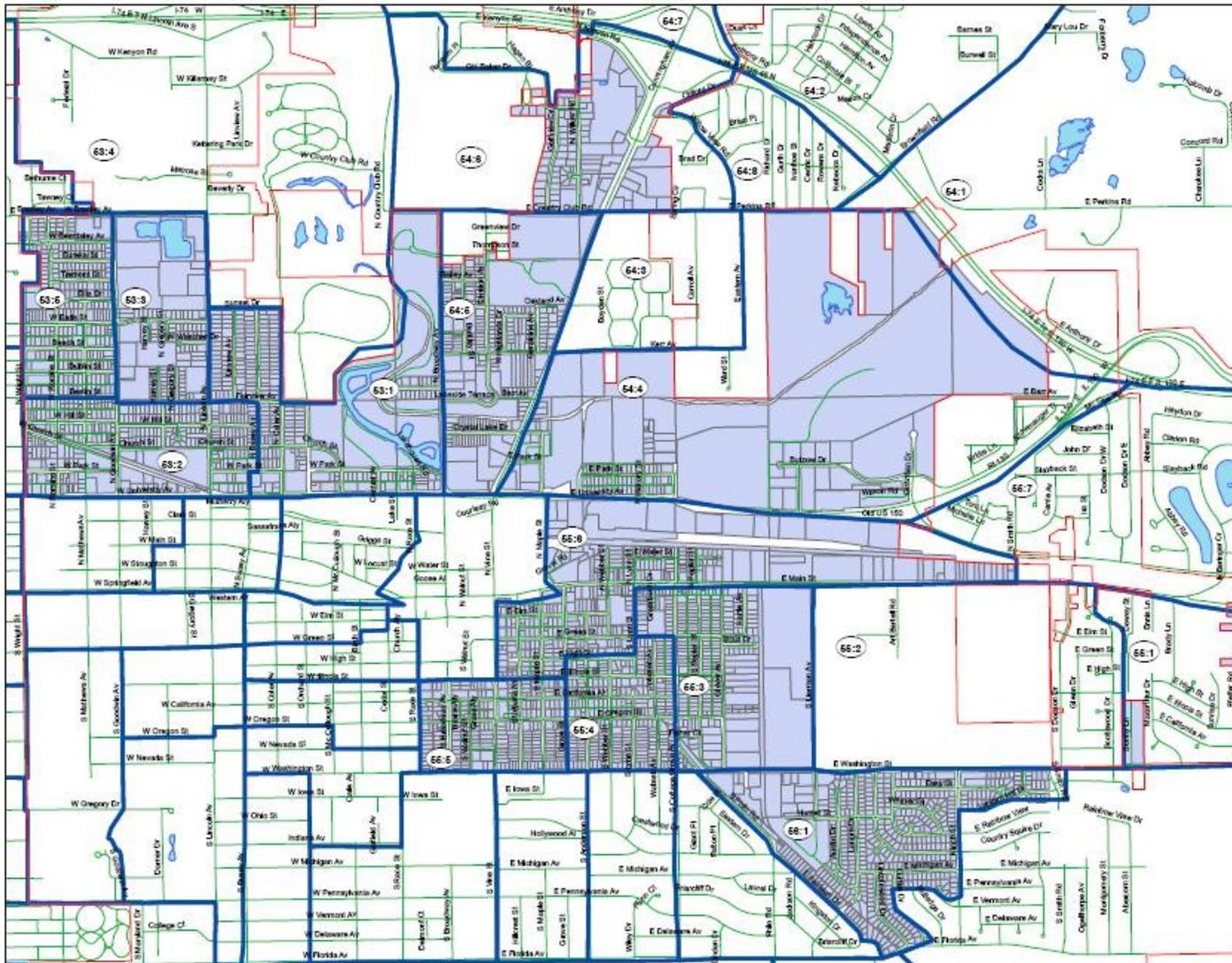
University of Illinois at Urbana-Champaign. Office of International Student Affairs, 2002. Student Enrollment website <http://www2.uiuc.edu/unit/oisa/>

Urbana-Champaign Continuum of Care, Media Release October 13, 2009.

US Census Bureau, Decennial Census 2000.

US Census Bureau, American Community Survey, 2005-2007.

**B. Community Development
Target Area Map & Census
Information by Census
Tract**



Community Development Target Area

CENSUS TRACT	BLOCK GROUP	LOW MOD INCOME%
53	1	64.1%
53	2	67.4%
53	3	81.0%
53	5	76.7%
54	4	79.3%
54	5	68.7%
54	6	51.5%
55	1	91.9%
55	3	69.5%
55	4	39.4%
55	5	48.1%
55	6	61.0%
56	1	58.7%

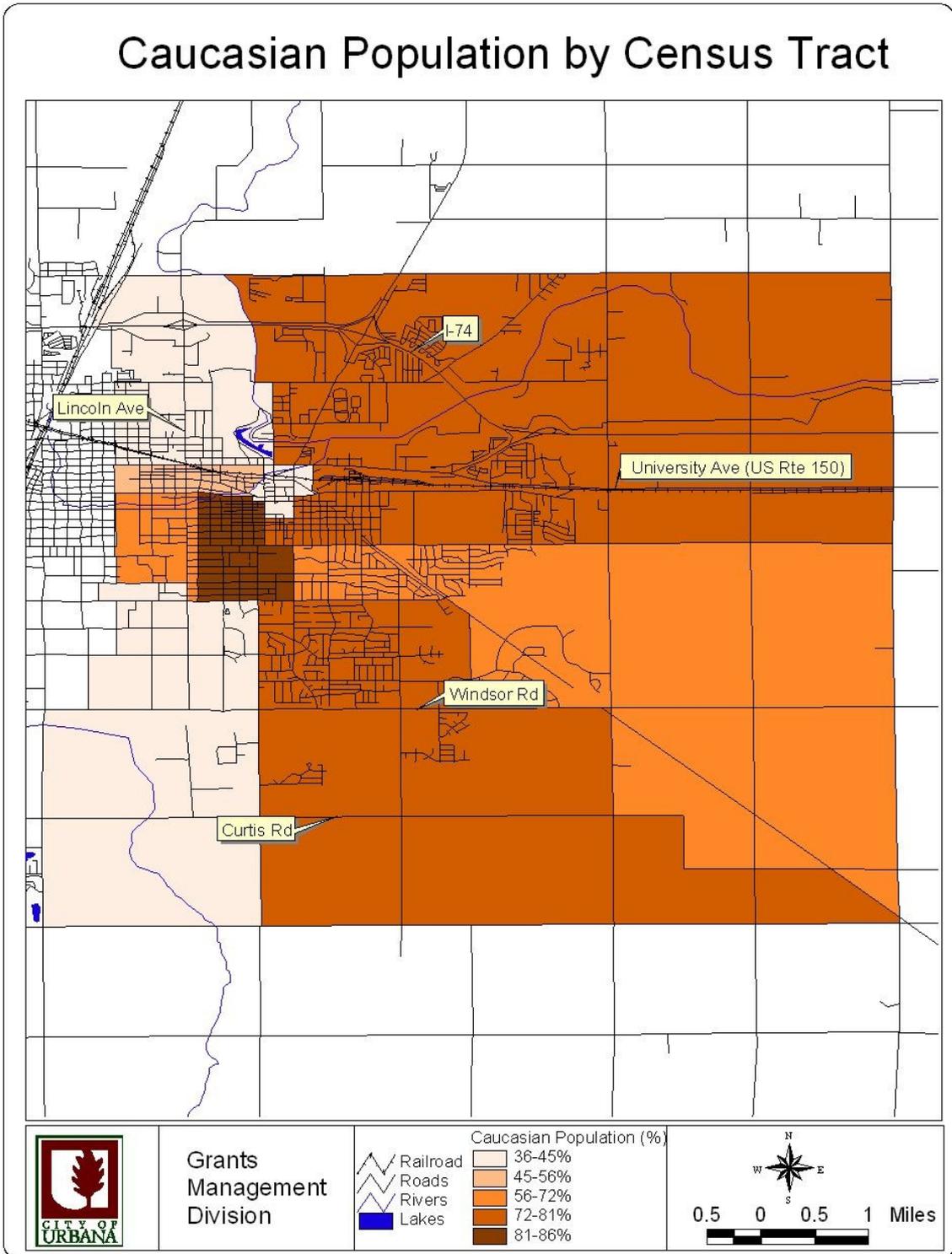
* Based on Census 2000 Data

Legend

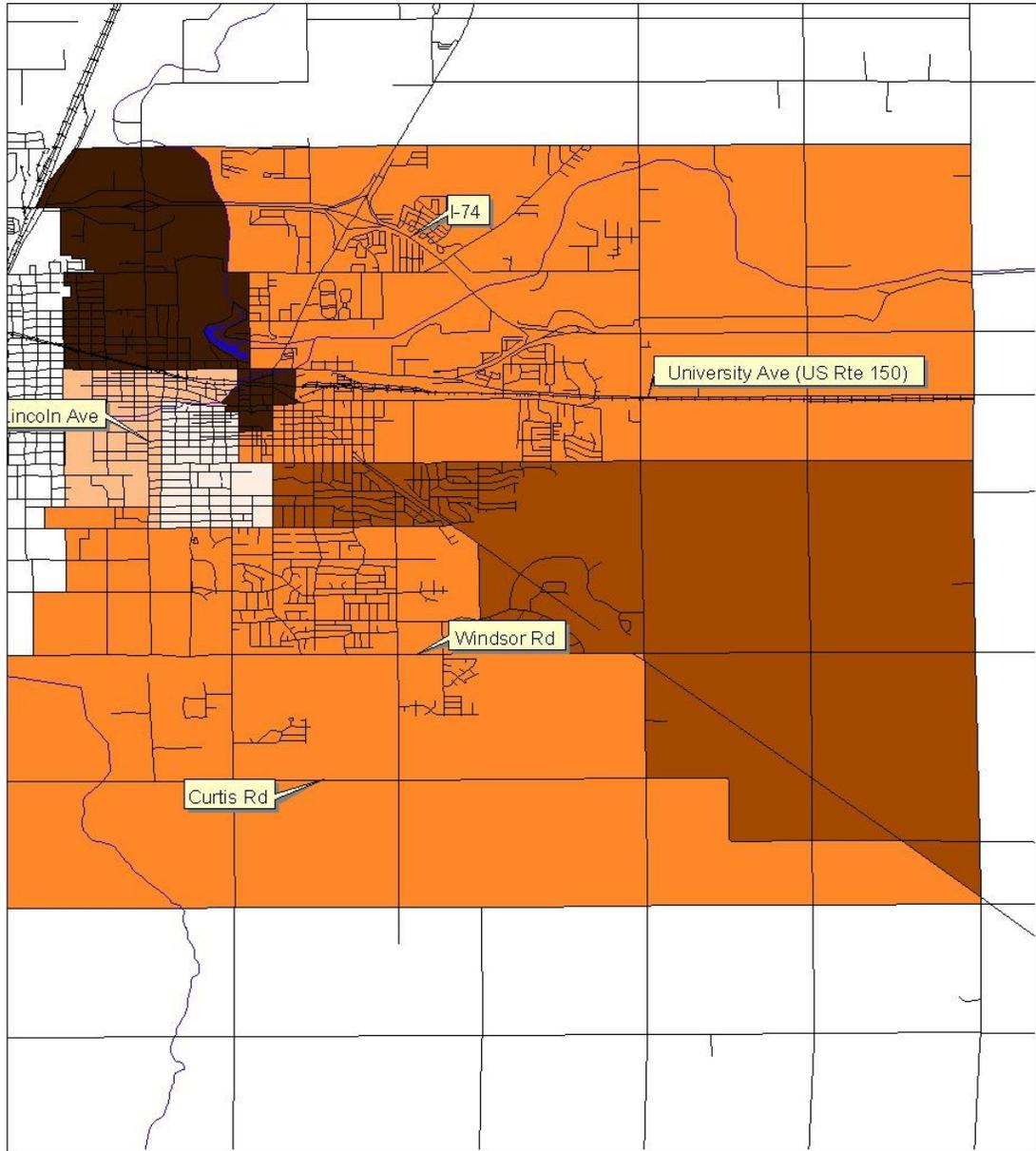
- Urbana Corporate Boundary
- Roads
- Lakes
- CD Target Area
- Census Block Group Boundary
- Census Tract 55 Block Group 1

Census Maps :

Caucasian Population by Census Tract



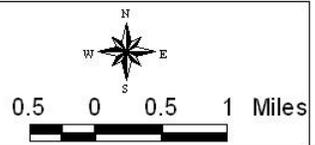
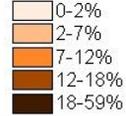
African American Population by Census Tract



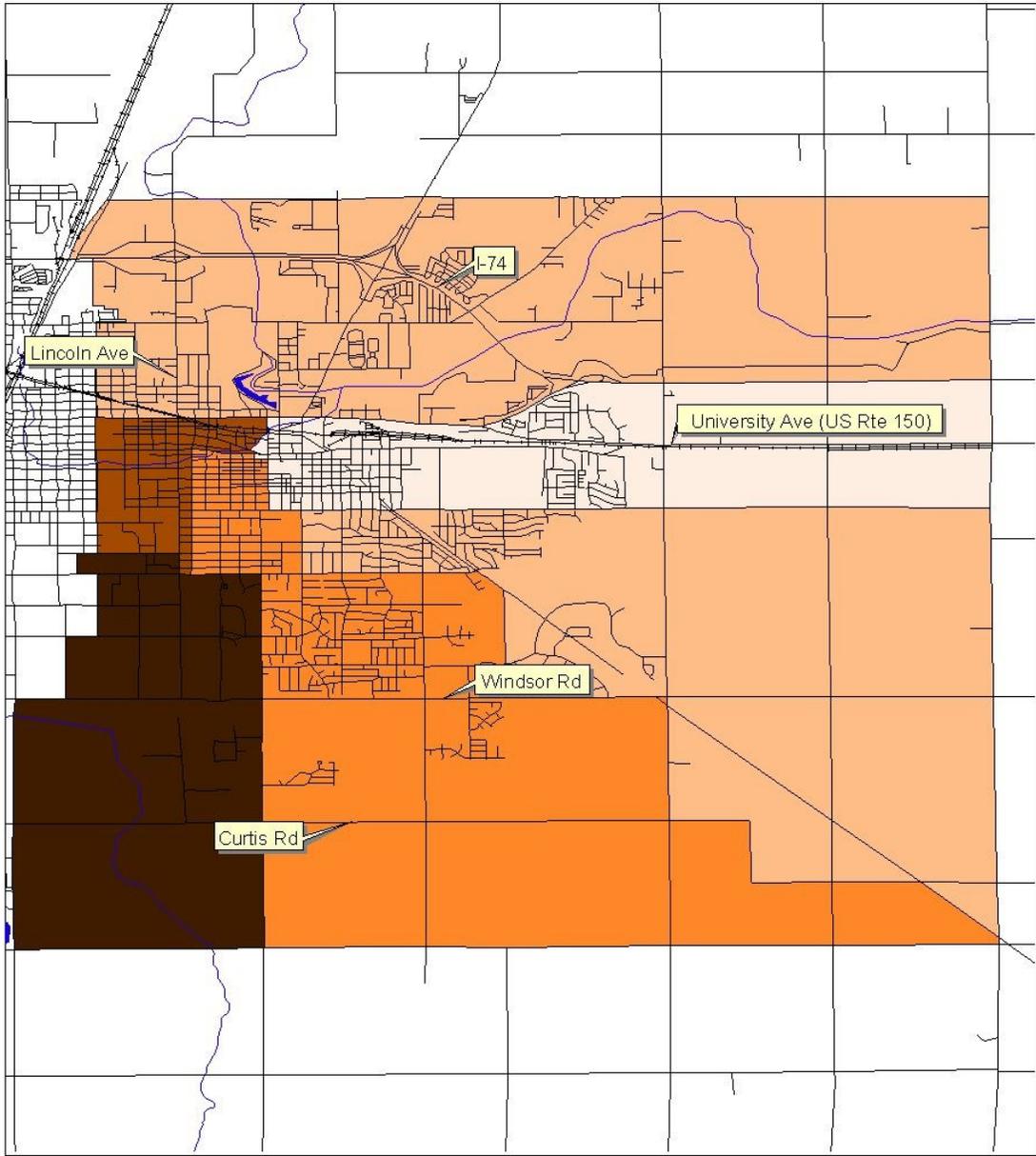
Grants
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Division



African American Pop(%)



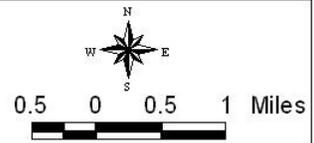
Asian Population by Census Tract



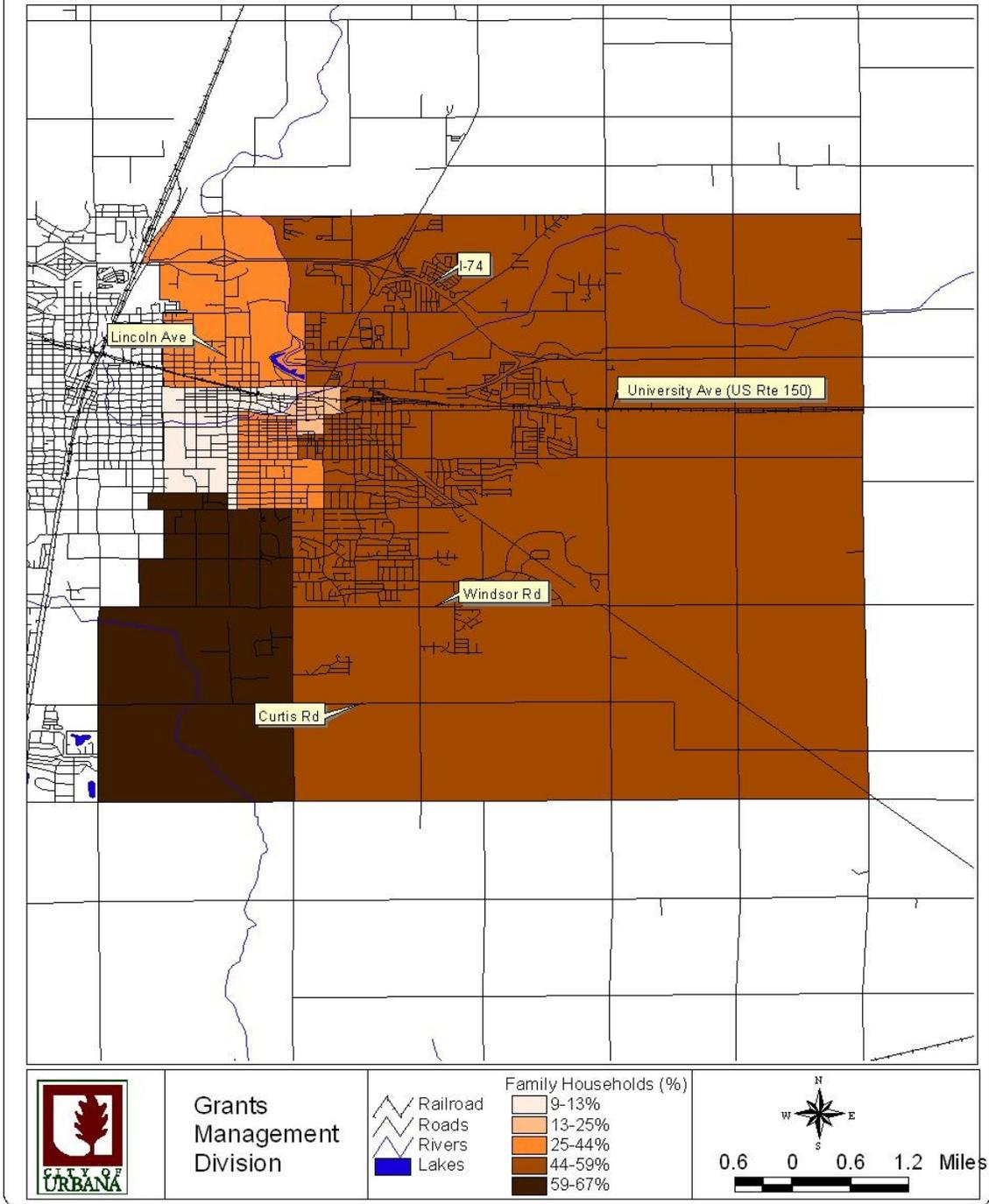
Grants
Management
Division

-  Railroad
-  Roads
-  Rivers
-  Lakes

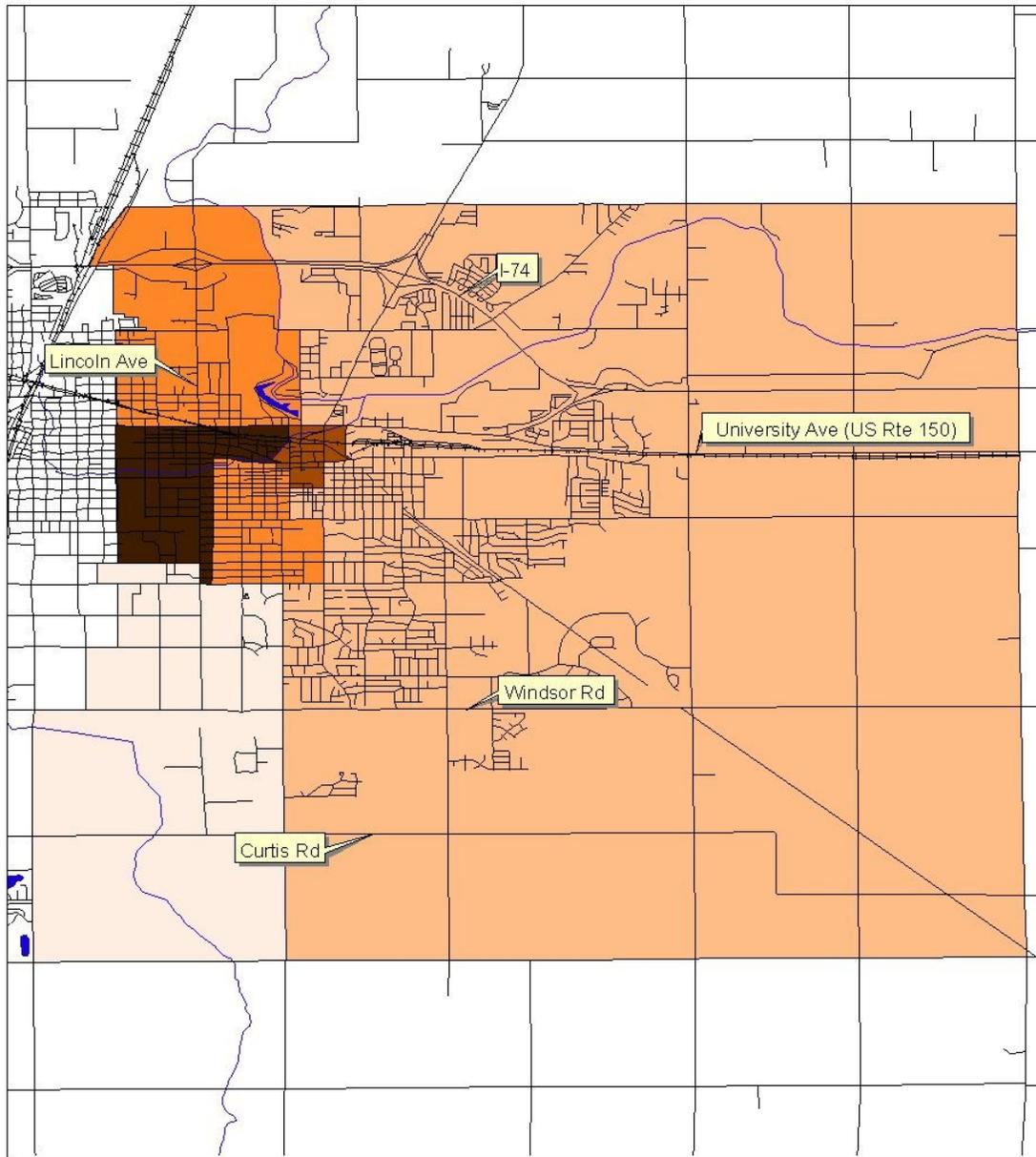
Asian Population (%)	
	0-3%
	3-6%
	6-8%
	8-31%
	31-40%



Family Households by Census Tract



Non-Family Households by Census Tract



Grants
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Division



Non-Family Households (%)

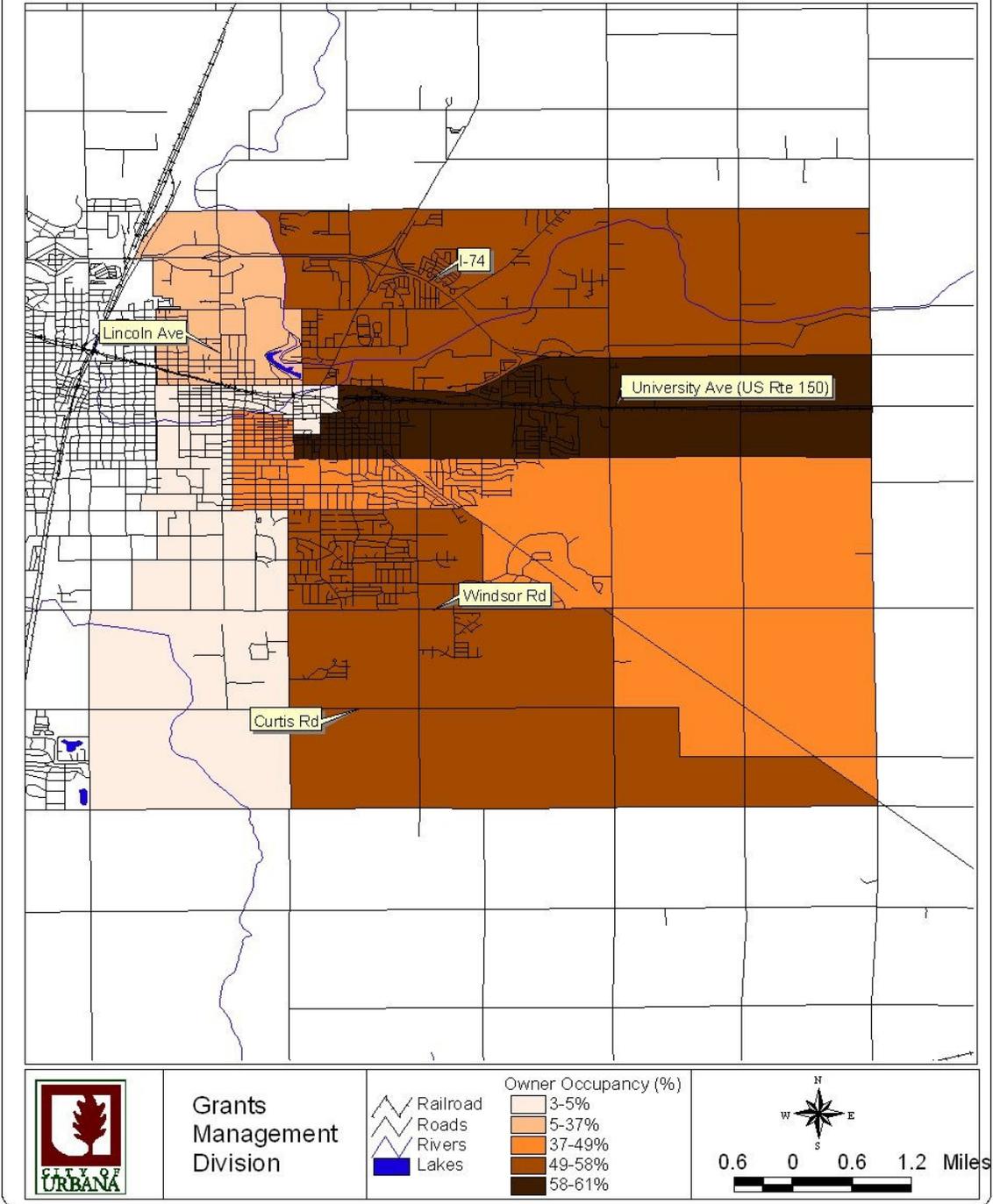
- 0-33%
- 33-46%
- 46-61%
- 61-75%
- 75-91%



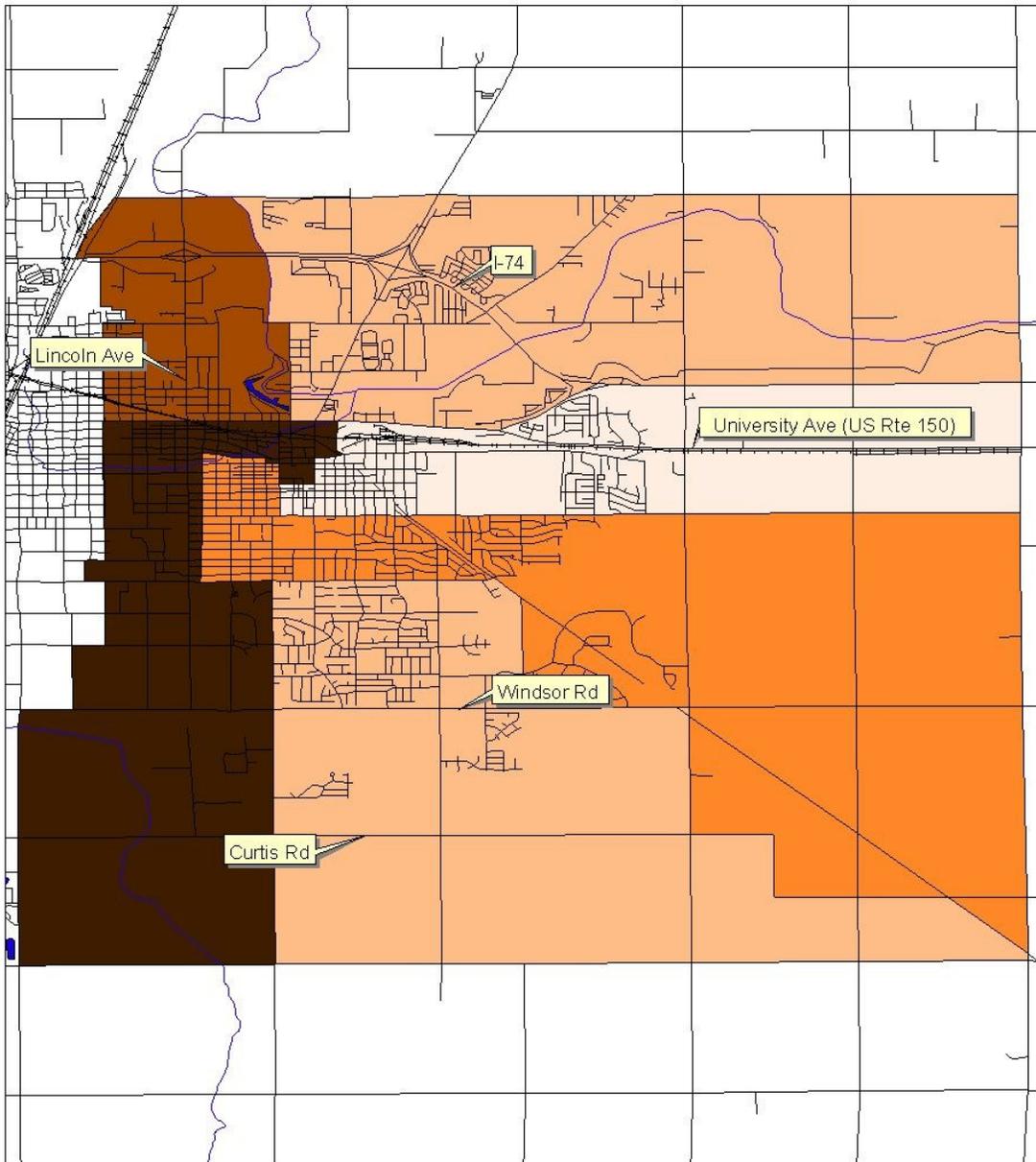
0.5 0 0.5 1 Miles



Owner Occupancy by Census Tract



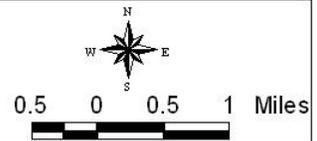
Renter Occupancy by Census Tract



Grants
Management
Division

- Rails00.shp
- Roads00.shp
- Lakes00.shp
- Rivers00.shp

- Renter Occupied (%)
- 0-39%
 - 39-44%
 - 44 - 52%
 - 52-63%
 - 63-97%



C. Data Tables from 2000 Census

Area	White%	Black%	AmerIn%	Asian%	NatHaw/IP%	Other%	2>racess%	LatHis%
Urbana	67.01%	14.34%	0.18%	14.24%	0.04%	1.76%	2.45%	3.54%
United States	75.14%	12.32%	0.88%	3.64%	0.14%	5.46%	2.43%	12.55%
Illinois	73.48%	15.11%	0.25%	3.41%	0.04%	5.82%	1.89%	12.32%
Area	White%	Black%	AmerIn%	Asian%	NatHaw/IP%	Other%	2>racess%	LatHis%
Champaign Co	78.78%	11.16%	0.24%	6.45%	0.04%	1.34%	1.99%	2.90%
Area	White%	Black%	AmerIn%	Asian%	NatHaw/IP%	Other%	2>racess%	LatHis%
Champaign	73.16%	15.62%	0.24%	6.83%	0.03%	1.94%	2.19%	4.03%

Tracts	White%	Black%	AmerIn%	Asian%	NatHaw/PI%	Other%	2>racess%	HisLat%
Tract 51	36.00%	58.86%	1.14%	0.00%	0.00%	0.00%	4.00%	2.29%
Tract 52	56.45%	6.55%	0.13%	30.83%	0.13%	3.30%	2.63%	6.13%
Tract 53	39.54%	50.45%	0.12%	5.96%	0.03%	0.96%	2.94%	2.67%
Tract 54	79.45%	11.69%	0.30%	5.21%	0.13%	1.13%	2.10%	2.03%
Tract 55	81.18%	12.19%	0.55%	2.91%	0.02%	0.84%	2.31%	2.47%
Tract 56	72.05%	18.38%	0.23%	5.72%	0.05%	1.26%	2.30%	2.65%
Tract 57	76.67%	10.79%	0.21%	8.50%	0.01%	1.75%	2.06%	3.63%
Tract 58	86.13%	2.20%	0.17%	7.77%	0.02%	1.71%	1.98%	2.94%
Tract 59	66.45%	4.63%	0.07%	24.15%	0.09%	2.04%	2.57%	3.98%
Tract 60	45.08%	9.35%	0.06%	40.18%	0.00%	2.74%	2.59%	4.99%

Tracts	Own occ%	Rent occ%	FamH%	NonfamH%	<18%	65>%
Tract 51	4.55%	95.45%	25.00%	75.00%	9.09%	2.27%
Tract 52	5.20%	94.80%	13.07%	86.93%	3.36%	2.52%
Tract 53	37.31%	62.69%	43.71%	56.29%	25.14%	15.69%
Tract 54	57.81%	42.19%	53.81%	46.19%	28.01%	15.93%
Tract 55	61.40%	38.60%	54.91%	45.09%	26.74%	18.00%
Tract 56	48.60%	51.40%	54.07%	45.93%	28.45%	19.19%
Tract 57	55.93%	44.07%	58.72%	41.28%	26.99%	30.20%
Tract 58	47.52%	52.48%	39.46%	60.54%	19.42%	14.22%
Tract 59	4.69%	95.31%	8.98%	91.02%	1.64%	2.66%
Tract 60	2.95%	97.05%	67.30%	32.70%	40.80%	1.91%

D. Affordability Mismatch – Definitions

Affordability Mismatch Definitions (Figure 9):

Definitions:

Rent 0-30% - These are units with a current gross rent (rent and utilities) that are affordable to households with incomes at or below 30% of HUD Area Median Family Income. Affordable is defined as gross rent less than or equal to 30% of a household's gross income.

Rent 30-50% - These are units with a current gross rent that are affordable to households with incomes greater than 30% and less than or equal to 50% of HUD Area Median Family Income.

Rent 50-80% - These are units with a current gross rent that are affordable to households with incomes greater than 50% and less than or equal to 80% of HUD Area Median Family Income.

Rent > 80% - These are units with a current gross rent that are affordable to households with incomes above 80% of HUD Area Median Family Income.

Value 0-50% - These are homes with values affordable to households with incomes at or below 50% of HUD Area Median Family Income. Affordable is defined as annual owner costs less than or equal to 30% of annual gross income. Annual owner costs are estimated assuming the cost of purchasing a home at the time of the Census based on the reported value of the home. Assuming a 7.9% interest rate and national averages for annual utility costs, taxes, and hazard and mortgage insurance, multiplying income times 2.9 represents the value of a home a person could afford to purchase. For example, a household with an annual gross income of \$30,000 is estimated to be able to afford an \$87,000 home without having total costs exceed 30% of their annual household income.

Value 50-80% - These are units with a current value that are affordable to households with incomes greater than 50% and less than or equal to 80% of HUD Area Median Family Income.

Value > 80% - These are units with a current value that are affordable to households with incomes above 80% of HUD Area Median Family Income.

Source: [Tables A10A, A10B, A12, A9A, A9B, A9C, A8B, A8C, A11](#)

E. Allegations of Discrimination

DISCRIMINATION ALLEGATIONS RECEIVED BY THE URBANA HUMAN RIGHTS COMMISSION:

DATE	DISCRIMINATION TYPE	PROTECTED CLASS BASIS	DISPOSITION	COMMENTS
February-08	HOUSING	CRIMINAL BACKGROUND	NO INJURY	LANDLORD WITHDREW ADVERSE ACTION
April-08	HOUSING	SEXUAL HARASSMENT	TIME BARRED	COMPLAINT FALLS OUTSIDE OF STATUTE OF LIMITATIONS
June-08	HOUSING	NOT APPLICABLE	NO SUBJECT MATTER JURISDICTION	COMPLAINANT DOES NOT FALL INTO PROTECTED CLASS
June-08	HOUSING	NOT APPLICABLE	NO SUBJECT MATTER JURISDICTION	COMPLAINANT DOES NOT FALL INTO PROTECTED CLASS
July-08	HOUSING	NOT APPLICABLE	NO SUBJECT MATTER JURISDICTION	COMPLAINANT DOES NOT FALL INTO PROTECTED CLASS
September-08	HOUSING	NOT APPLICABLE	NO SUBJECT MATTER JURISDICTION	COMPLAINANT DOES NOT FALL INTO PROTECTED CLASS
October-08	HOUSING	RACE	ISSUE RESOLVED	LANDLORD WITHDREW ADVERSE ACTION
October-08	HOUSING	NOT APPLICABLE	NO SUBJECT MATTER JURISDICTION	COMPLAINANT DOES NOT FALL INTO PROTECTED CLASS
February-09	HOUSING	SOURCE OF INCOME/ SEC 8	RESOLVED	LANDLORD WITHDREW ADVERSE ACTION
April-09	HOUSING	RACE	NO SUBJECT MATTER JURISDICTION	LAW ENFORCEMENT ISSUE - NO LANDLORD ADVERSE ACTION
June-09	HOUSING	RACE	NO INJURY	LANDLORD WITHDREW ADVERSE ACTION

Allegations of Discrimination Reported to Tenant Unions

January – December 2001

	Champaign	Urbana	Rantoul	Total
Race	7	1	1	9
Familial Status	1	1	0	2
Sexual Harassment	1	0	0	1
Disability	0	0	1	1
Ancestry	1	0	0	1
Arrest/Conviction Record	3	0	0	3
TOTALS	13	2	2	17

January – December 2002

	Champaign	Urbana	Rantoul	Total
Race	2	1	0	3
Familial Status	3	0	0	3
Matriculation	1	0	0	1
TOTALS	6	1	0	7

January – December 2003

	Champaign	Urbana	Rantoul	Total
Race	1	0	1	2
Familial Status	2	0	0	2
Sexual Harassment	0	0	1	1
Ancestry	1	1	0	2
Source of Income	1	1	0	2
Arrest/Conviction	1	0	0	1
TOTALS	6	2	2	10

January – December 2004

	Champaign	Urbana	Rantoul	Outside city limits	Total
Race	1	1	1	1	4
Familial Status	1	0	0	0	1
Disability	1	1	0	0	2
Source of Income	0	1	0	0	1
Military Status	1	0	0	0	1
TOTALS	4	3	1	1	9

January – December 2005

	Champaign	Urbana	Savoy	Total
Familial Status	2	0	1	3
TOTALS	2	0	1	3

January – December 2006

	Champaign	Urbana	Outside city limits	Total
Race	0	1	2	3
Familial Status	1	0	0	1
Ancestry	0	1	0	1
Source of Income	3	0	0	3
Arrest/Conviction Record	0	2	0	3
TOTALS	4	4	2	10

January – December 2007

	Champaign	Urbana	Savoy	Total
Race	1	0	0	1
Source of Income (Section 8)	1	0	0	1
Student Status	1	0	0	1
Total	3	0	0	3

January – December 2008

	Champaign	Urbana	Rantoul	Total
Race	2	1	2	5
Familial Status	1	0	0	1
Source of Income	1	0	0	1
(Section 8) *	1	0	1	2
Disability	1	0	0	1
Arrest/conviction record	1	0	0	1
Total	7	1	3	11

* Discrimination based on Section 8 as a source of income is no longer protected by law in Champaign (and has never been unlawful in Rantoul)

F. LANDLORD – TENANT RELATIONSHIPS ORDINANCE

Chapter 12.5
LANDLORD-TENANT RELATIONSHIPS

Editor's note--Section 1 of Ord. No. 9394-58, adopted January 18, 1994, amended Ch. 12.5, Arts. I-III, §§ 12.5-1--12.5-10, 12.5-21--12.5-24 and enacted a new Ch. 12.5 to read as herein set out. Former Ch. 12.5 pertained to similar subject matter and derived from Ord. No. 7879-49, §§ 1--10, adopted November 6, 1978, and Ord. No. 8182-67, § 1, adopted April 5, 1982.

Cross reference(s)--Buildings and building regulations, Ch. 5; housing code, § 5-357 et seq.; human rights, Ch. 12.

ARTICLE I.
IN GENERAL

Sec. 12.5-1. Purpose and declaration of policy.

It is the purpose of this chapter and the policy of the city, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of the landlord and the tenant in the rental of rental units in the city and to encourage the landlord and the tenant to maintain and improve the quality of rental housing within the community.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-2. Scope.

This chapter applies to, regulates and determines certain rights, obligations and remedies under a rental agreement for a rental unit located within the city. Unless created to avoid the application of this chapter, however, the following arrangements are not governed by this chapter:

- (1) Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, counseling, religious or similar service;
- (2) Occupancy under a contract of sale of a rental unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his/her interest;
- (3) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(4) Transient occupancy in a hotel, motel tourist home or tourist court;

(5) Occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-3. Application.

The landlord and tenant may include in a rental agreement any terms and conditions not in conflict with this chapter or any other rule of law, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties, and nothing contained herein shall likewise be deemed to waive or to forego the rights, obligations or remedies of any party as otherwise established by law or other applicable codes of the city.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-4. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

Actual costs means all costs incurred, which may include reasonable compensation for time spent by the landlord or the tenant.

Essential services means water, heat, hot water, gas, electricity, and sanitation as required to be maintained by the minimum housing code of the city, and substantially functional cooking facilities and refrigerator, if supplied by the landlord.

Firm certificate of insurance means a certificate issued by an insurance carrier which shall impose an unconditional duty upon the carrier to notify the landlord not less than ten (10) days prior to the cancellation or termination of the coverage specified therein.

Good faith means honesty in fact in the conduct of the transaction concerned.

Housing code means any law, ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any premises or rental unit.

Landlord means the owner or lessor of the rental unit or the building of which it is a part, not including a sublessor.

Owner means one (1) or more persons, jointly, severally or in common, or any organization, in whom is vested all or part of the legal title to property, or all or part of

the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession. As used herein, an organization shall include a corporation, government, governmental subdivision or agency, trust, estate, partnership, association or any other legal or commercial entity.

Rent means all payments to be made to the landlord under the rental agreement.

Rental agreement means all agreements, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit and premises.

Rental unit means one (1) or more rooms in a structure or portion thereof arranged, designed and used as a residence or living quarters by one (1) or more persons who maintain a household together.

Tenant means a person or an organization entitled under a rental agreement to occupy a rental unit to the exclusion of others.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-5. Obligation of good faith.

Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this article imposes an obligation of good faith in its performance or enforcement.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-6. Exclusivity of remedies.

The rights, obligations and remedies accorded to both landlords and tenants under this chapter are exclusively civil in nature and in no event shall the violation of any provision of this chapter be deemed to constitute a violation punishable by a fine or penalty under this chapter or section 1-10.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-7. Effective date.

This chapter shall take effect on April 1, 1994. It applies to rental agreements entered into or extended or renewed on and after that date.

(Ord. No. 9394-58, § 1, 1-18-94)

Secs. 12.5-8, 12.5-9. Reserved.

**ARTICLE II.
LANDLORD-TENANT RIGHTS, DUTIES, AND REMEDIES**

Sec. 12.5-10. Rental agreements--Prohibited provisions.

(a) Except as otherwise provided by this article, no rental agreement between the landlord and the tenant shall contain any provision:

- (1) Waiving the rights or remedies provided under this article;
- (2) Waiving any statutory rights or remedies provided under state or federal law;
- (3) Providing that either the landlord or the tenant confess judgment on a claim arising out of the rental agreement;
- (4) Providing that either the landlord or the tenant may recover attorney's fees incurred to enforce the rental agreement unless the rental agreement stipulates that both the landlord and the tenant be entitled to recovery of attorney's fees under identical terms and conditions;
- (5) Limiting the liability of the landlord or the tenant arising under law;
- (6) Prohibiting the tenant from subletting the rental unit;
- (7) Requiring a monthly late fee in excess of five (5) per cent of the monthly rental payment per month; fees in excess of this amount may be charged if the landlord demonstrates actual costs which are greater;
- (8) Providing for tenant's payment of lock-out charges, sublet fees, late checkout charges or any other fees or penalties that exceed the landlord's actual costs for services; or
- (9) Automatically renewing the rental agreement by reason of the tenant's failure to provide notice of intent not to renew.

(b) A provision prohibited by subsection (a) included in a rental agreement is unenforceable. If the landlord deliberately attempts to enforce any provision in a rental agreement which is prohibited, the tenant may recover an amount totaling not more than two (2) months' rent and such damages, costs and reasonable attorney's fees as a court shall determine and award. The landlord shall be considered to have deliberately attempted to enforce a prohibited lease provision if the landlord knew or reasonably should have known that the provision was prohibited and the landlord:

- (1) Refuses to approve a sublease as required by law or requires, as a condition of granting approval of a sublease, payment of a prohibited sublease charge, acceleration of rent or payment of a higher rental rate than stipulated in the lease agreement;

(2) Refuses to provide a service because of the tenant's nonpayment of a prohibited fee or charge;

(3) Serves the tenant with written demand stating the intention to terminate the rental agreement for nonpayment of prohibited fees or charges;

(4) Files suit against the tenant to enforce the prohibited provision.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-11. Same--Notice of nonrenewal.

(a) If the landlord elects to terminate a month to month tenancy, or the landlord elects to not renew the rental agreement, or to change the terms of the rental agreement upon renewal, the landlord shall notify the tenant, in writing, not less than thirty (30) days prior to the last day of the rental period.

(b) If the landlord fails to give the required written notice that the rental agreement will not be renewed, the tenant may remain in the rental unit on a month to month basis under the same other terms and conditions as the prior term, until such time as the required notice is given and becomes operative as set forth in subsection (a). The tenant shall be obligated to pay rent in a timely fashion.

(c) If the rental agreement is an oral agreement creating a month-to-month tenancy, the tenant shall notify the landlord, in writing, not less than thirty (30) days prior to the last day of the rental period, of the tenant's intention to vacate the premises by the last day of the rental period.

(d) If the tenant fails to give the required written notice to terminate the oral rental agreement, the tenant shall be liable to the landlord for lost rent during the time that the rental unit remains vacant, until the end of the next rental period, except that the tenant shall not be liable for payment of said lost rent if the landlord failed to provide the tenant with notice of the tenant's obligations as described in section 12.5-12 of this Code. The landlord shall have a duty to mitigate damages.

(e) The written notice required by this section may be delivered by personal service, first class mail, or any other means reasonably intended to provide actual notice.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-12. Same--Copy of this chapter to be provided.

A copy of this chapter, or a summary thereof in a form prepared by the city and available for public inspection and copying, shall be provided by the landlord to every tenant at the

time of signing a written rental agreement or entering into an oral rental agreement, except a renewal thereof if a copy of the required material has already been provided.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-13. Same--Late charges.

A landlord may not impose a late charge unless the amount of the late charge is specified in the lease. A tenant shall not be subject to a late charge if the envelope containing the payment is postmarked on or prior to the date payment is due.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-14. Same--Notice of charges.

A landlord may not impose any charge or fee, with the exception of rent, unless written notice of the charge or fee is provided to the tenant within thirty (30) days.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-15. Landlord's right to access.

(a) The tenant shall not unreasonably withhold consent to the landlord to enter the rental unit in order to inspect the premises, make necessary or agreed repairs, supply necessary or agreed services, make alterations or improvements if such alterations or improvements do not interfere with the tenant's use of the premises, or to show the rental unit to prospective or actual purchasers, mortgagees or tenants.

(b) The landlord shall not abuse the right of access to the rental unit or use it to harass the tenant. Except in cases of emergency or by mutual consent, the landlord or landlord's agents shall not enter the rental unit without first providing the tenant with at least twenty-four (24) hours advance notice of the entry and may enter only at reasonable times. Reasonable times shall be considered 10:00 a.m. to 8:00 p.m. on weekdays and 11:00 a.m. to 8:00 p.m. on weekends, or such other times agreed upon by the tenant and the landlord.

(c) From the time that either the landlord or the tenant notifies the other party that the rental agreement will not be renewed, the landlord shall have the right to access, without twenty-four (24) hours advance notice, for the purpose of showing the rental unit to prospective tenants, provided that:

(1) The rental unit has not already been leased for the twelve (12) month period subsequent to the expiration of the rental agreement;

(2) The landlord enters only during two (2) specific one-hour periods on weekdays and three (3) specific one-hour periods on weekends, selected by the tenant from among choices offered by the landlord, during which the landlord will have daily access; and

(3) The landlord shall notify the tenant when the rental unit has been leased for the twelve (12) month period subsequent to the expiration of the rental agreement.

(d) If the tenant requests repairs and the landlord enters the rental unit to perform said repairs within fourteen (14) days of the tenant's initial request, the landlord shall not be obligated to provide the tenant with advance notice of entry. If the landlord fails to perform said repairs within fourteen (14) days of the tenant's initial request, the landlord shall be required to provide the tenant with at least twenty-four (24) hours' advance notice of entry. The notice shall only be effective for a seven-day period.

(e) The landlord may enter the rental unit at any time, without advance notice, in case of emergency. For purposes of this provision, the term "emergency" shall refer to a situation wherein access to the rental unit is necessary in order to prevent damage or destruction to the rental unit, other rental units, or the building, or to the fixtures, equipment, appliances, furniture or other personal property contained therein, or in order to protect any person from injury. Nonpayment or delinquent payment of rent shall not constitute an emergency.

(f) The landlord or landlord's agents shall enter the rental unit only after knocking on the door and providing the tenant a reasonable opportunity to answer, shall leave the premises in as good condition as when entered, shall clean and remove dirt and debris that result from the performance of maintenance and repairs, shall leave a note indicating the names of the persons who entered the rental unit and shall lock the rental unit when leaving.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-16. Remedies for abuse of access rights.

(a) If the tenant refuses to allow lawful access, the landlord may obtain injunctive relief to compel access or terminate the rental agreement. In either case, the landlord may recover damages and reasonable attorney's fees.

(b) If the landlord makes an unlawful entry or a lawful entry in an unreasonable manner the tenant may obtain injunctive relief to prevent the recurrence of the conduct and recover an amount equal to not more than two (2) months' rent or the damages sustained, whichever is greater, and reasonable attorney's fees.

(c) If the landlord makes a lawful entry to make alterations or improvements that materially interfere with the tenant's use of the premises or if the landlord makes repeated demands for entry otherwise lawful, but which have the effect of harassing the tenant

after being notified in writing by the tenant that tenant feels harassed by such repeated demands, the tenant may obtain injunctive relief to prevent the recurrence of the conduct, or terminate the rental agreement. In each case, the tenant may recover an amount equal to not more than two (2) months' rent or the damages sustained, whichever is greater, and reasonable attorney's fees. The provisions of this section shall not apply to alterations or improvements done by the landlord to correct cited housing code violations, except in the cases of the landlord's unreasonableness, neglect, or negligence in correcting the violations.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-17. Tenant obligations.

The tenant shall:

- (1) Comply with all obligations imposed upon tenants by provisions of city code applicable to occupants of a rental unit;
- (2) Keep that part of the premises that he or she occupies and uses as safe as the condition of the premises permits;
- (3) Dispose from the rental unit all ashes, rubbish, garbage and other waste in a clean and safe manner;
- (4) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, in the premises;
- (5) Not deliberately nor negligently destroy, deface, litter, damage, impair or remove any part of the premises or knowingly permit any person to do so;
- (6) Conduct himself or herself and require other persons on the premises and within the rental unit with his or her consent to conduct themselves in a manner that will not disturb the neighbors;
- (7) Maintain the rental unit in a clean and sanitary condition and provide for a general cleaning of the rental unit prior to departure. As part of such cleaning, the tenant will broom sweep and mop the floors, vacuum all rugs and carpeting, and clean all appliances and plumbing fixtures;
- (8) Unless otherwise agreed to in writing by the landlord, not apply any part of a security deposit as part of obligated rent payments; and
- (9) Hold the landlord harmless from claims for property loss for which the landlord is not responsible and which the tenant's own insurance should cover.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-18. Landlord obligations--Maintenance of premises.

(a) The landlord shall maintain the premises in compliance with all applicable housing codes of the city and shall promptly make any and all necessary repairs to fulfill that obligation, provided, however, that the tenant may knowingly and intentionally elect and agree to repair the premises to bring them into conformity with the applicable housing codes of the city. The burden shall be on the landlord to establish a knowing and intentional election on the part of the tenant to repair the premises in compliance with the applicable housing code. A mere recital in a form lease that tenant has covenanted to repair will not be sufficient, it being the intention of this article that any agreement with the tenant to repair be bargained for in fact. A separate hand-written paragraph in the lease showing:

(1) That the tenant has been informed of this article and the existing code violations;

(2) That he/she has affirmatively elected and bargained to repair the violations listed and other items listed; and

(3) The inducement for such arrangements, will be prima facie evidence that such provision was entered into in good faith and was bargained for in fact.

(b) Nothing in this article shall be interpreted so as to restrict the authority of city inspectors to cite a landlord for violation of building code provisions.

(c) Before a tenant initially enters into or renews a rental agreement for a rental unit, the landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall disclose to the tenant in writing any housing code violations which have been cited by the building official and which remain uncorrected for that rental unit and the common area of the premises.

(d) This article shall not be interpreted as decreasing or diminishing the implied warranty of habitability as adopted by the Illinois Supreme Court.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-19. Same--Security deposit interest.

(a) A landlord who receives a security deposit of one hundred dollars (\$100.00) or more from a tenant to secure the payment of rent or to compensate for damage to property shall pay interest to the tenant, computed from the date the deposit is paid, at a rate equal to the interest paid by the largest commercial bank, as measured by total assets, having its main banking premises in Champaign County, Illinois, on minimum deposit passbook savings

accounts as of the thirtieth of June immediately preceding the inception of the rental agreement on any such deposit held by the landlord for more than six (6) months.

(b) The landlord shall, within thirty (30) days after the end of each twelve-month rental period, pay to the tenant any interest, by cash or credit to be applied to rent due, except when the tenant is in default under the terms of the lease. For the purposes of this provision, default shall mean nonpayment of rent or a successful claim by the landlord for possession of the premises for good cause other than nonpayment of rent. A landlord who willfully fails or refuses to pay the interest required by this article shall, upon a finding by a circuit court that he/she has willfully failed or refused to pay, be liable for an amount equal to the amount of the security deposit, together with court costs and reasonable attorney's fees.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-20. Same--Security deposit return.

(a) A lessor of residential real property who has received a security deposit from a lessee to secure the payment of rent or to compensate for damage to the leased property may not withhold any part of that deposit as compensation for property damage unless he or she has, within thirty (30) days of the date that the lessee vacated the premises, furnished to the lessee, delivered in person or by mail directed to his or her last known address, an itemized statement of the damage allegedly caused to the premises and the estimated or actual cost for repairing or replacing each item on that statement, attaching the paid receipts, or copies thereof, for the repair or replacement. If the lessor utilizes his or her own labor to repair any damage caused by the lessee, the lessor may include the reasonable cost of his or her labor to repair such damage. If estimated cost is given, the lessor shall furnish the lessee with paid receipts, or copies thereof, within thirty (30) days from the date the statement showing estimated cost was furnished to the lessee, as required by this section. If no such statement and receipts, or copies thereof, are furnished to the lessee as required by this section, the lessor shall return the security deposit in full within forty-five (45) days of the date that the lessee vacated the premises.

(b) Upon a finding by a circuit court that the landlord has refused to supply the itemized statement required herein, or has supplied such statement in bad faith, and has failed or refused to return the amount of the security deposit due within the time limits provided, the landlord shall be liable for an amount equal to twice the amount of the security deposit due, together with court costs and reasonable attorney's fees.

(c) Reserved.

(d) The decorating of the rental unit after the tenant vacates, including painting and carpet cleaning, unless walls or carpets are damaged beyond normal wear, shall not be considered as damage and the costs thereof shall not be charged to the security deposit.

(Ord. No. 9394-58, § 1, 1-18-94; Ord. No. 2000-07-066, 7-17-00)

Sec. 12.5-21. Same--Disclosure.

(a) Upon tenant's request, the landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall disclose to the tenant in writing within seventy-two (72) hours of the request:

(1) The name, street address and telephone number of the person authorized to manage the premises;

(2) The name and street address of the owner of the premises or the person authorized to act on behalf of the owner for the purpose of service of process and for the purpose of receiving notices and demands; and

(3) The number of unrelated adults who may lawfully dwell in the leased premises pursuant to the Urbana Zoning Ordinance.

(b) A person who fails to comply with the disclosure requirements herein becomes an agent of each person who is a landlord for:

(1) Service of process and receiving of notices and demands; and

(2) Performing the obligations of the landlord under this article and under the rental agreement.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-22. Same--Abandonment.

(a) The tenant shall be deemed to have abandoned the rental unit by being absent with visible intent not to return and with rent unpaid.

(b) If the tenant abandons the rental unit, the landlord may take possession of the rental unit.

(c) If the tenant abandons the rental unit or fails to remove his or her personal property from the premises after termination of a rental agreement, the landlord shall leave the abandoned property in the rental unit or remove and store all abandoned property from the rental unit. The landlord may charge the tenant for the actual costs of storage. The landlord may dispose of the property thirty (30) days after mailing written notice to tenant's last known address, if the tenant does not claim the property within that time. Notwithstanding the foregoing, if the landlord reasonably believes such abandoned property to be valueless or of such little value that the cost of storage would exceed the

amount that would be realized from sale, or if such property is subject to spoilage, the landlord may immediately dispose of such property.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-23. Tenant remedies for landlord's failure to maintain.

(a) If the landlord fails to disclose to the tenant in writing any cited housing code violations as required in this article, or to correct any condition constituting a subsequently cited housing code violation within the time specified in a duly served notice to correct such cited housing code violation by the building official, the tenant affected by the condition may notify the landlord in writing of the tenant's intention to correct the condition at the landlord's expense. If the landlord, after receipt of such notice by the tenant, fails to correct the condition within the time specified for the performance of any act required by the notice of the building official or any duly granted extension thereof, the tenant, after first obtaining a contractor's firm certificate of insurance from the qualified appropriate tradesman who is to perform the work, and after furnishing such certificate to the landlord in the case of any work to be done on the premises, may have the work done in a competent manner and, after submitting to the landlord a paid itemized invoice and, where applicable, a properly completed waiver of lien, may deduct from his or her rent the amount thereof.

(b) If the cited housing code violation is one involving essential services which a landlord fails to supply contrary to the rental agreement, or if such violation is one giving rise to a hazardous condition which materially and immediately affects health and safety, the tenant affected by the condition may, in the alternative to the remedy set forth above, after the city's deadline for compliance has passed, notify the landlord in writing of the tenant's intention to:

(1) Procure reasonable amounts of heat, hot water, running water, electricity, gas or other essential service during the period of the landlord's noncompliance and deduct their cost from the rent; or

(2) Procure substitute housing during the period of the landlord's noncompliance, in which case the tenant is excused from paying rent for the period of the landlord's noncompliance. The tenant's actual cost of substitute housing may be deducted from the rent, provided that the amount deducted shall not exceed the average cost for a hotel/motel room in Urbana.

(c) If the landlord fails to provide essential services or to correct the hazardous condition within the time specified in the notice to correct the cited housing code violation or any extension granted by the building official, or if any such similar uncorrected condition or uncorrected interruption of services for any significant period recurs and is cited by the city more than three (3) times in any twelve-month period, the tenant may vacate the premises and terminate the rental agreement, in which case the tenant may recover from

the landlord all rent payments not applied to rent accrued prior to the termination of the rental agreement and all damage or security deposits not rightfully applied to damages to the rental unit.

(d) The provisions of this section may not be used by the tenant more than three (3) times during any twelve-month period nor may the combined total dollar amount so deducted or excused during any such period exceed two (2) months' rent. If the tenant proceeds under this section, the tenant may not proceed under any other sections for such breach.

(e) The tenant may not exercise his or her rights under this section if the condition was caused by the inability or unwillingness of a utility supplier to provide service or by the deliberate or negligent act or omission of the tenant, a member of his or her family, or other person on the premises with the tenant's consent.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-24. Landlord remedies for tenant's failure to maintain.

(a) If a tenant, through the tenant's own actions or those of an invitee, causes a landlord to be cited for a housing code violation by the building official or fails to correct any condition constituting a cited housing code violation as set forth in this article within the time specified in a duly served notice to correct such housing code violation by the building official, the landlord affected by the condition may notify the tenant in writing of the landlord's intention to correct the condition at the tenant's expense. If the tenant, after receipt of such notice by the landlord, fails to correct the condition within the time specified for the performance of any act required by the notice of the building official or any duly granted extension thereof, the landlord may enter the rental unit, after providing twenty-four (24) hours advance notice, and have the work done in a competent manner and submit to the tenant an itemized invoice for the actual cost and for reasonable charges for the landlord's service, payable on the next date periodic rent is due, or if the rental agreement has terminated, payable immediately.

(b) If a tenant, through the tenant's own actions or those of an invitee, causes a landlord to be cited for any housing code violation:

(1) More than three (3) times during any twelve-month period; or

(2) Involving essential services; or

(3) Giving rise to a condition which materially and immediately affects the health and safety of others residing in or having access to the premises;

the landlord cited for the condition may, in the alternative to the remedies set forth herein, terminate the rental agreement and order the tenant to vacate the premises. When the tenant is ordered to vacate pursuant to this section, the landlord may recover all rent

accrued prior to the termination of the rental agreement, and apply any damage or security deposit to damages to the premises.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-25. Unlawful eviction.

(a) It is unlawful for any landlord or any person acting at the direction of the landlord to knowingly oust or dispossess or attempt to oust or dispossess any tenant from a rental unit without authority of law, by plugging, changing, adding or removing any lock or latching device; or by blocking any entrance into said rental unit; or by removing any door or window from said unit; or by interfering with the services to said unit, including but not limited to, electricity, gas, hot or cold water, plumbing, heat or telephone service; or by removing a tenant's personal property from said unit; or by the use of force or threat of violence, injury or force to a tenant's person or property; or by any other act rendering a rental unit or any part thereof or any personal property located therein inaccessible or uninhabitable.

(b) The provisions of subsection (a) shall not apply where the landlord acts pursuant to a court order for possession.

(c) If the tenant, in a civil legal proceeding against the landlord, establishes that a violation of this section has occurred, the tenant shall be entitled to recover possession of the rental unit or personal property and shall recover an amount equal to not more than two (2) months rent or the actual damages sustained, whichever is greater, and reasonable attorney's fees.

(Ord. No. 9394-58, § 1, 1-18-94)

Sec. 12.5-26. Retaliatory conduct.

(a) Except as provided in this article, a landlord may not retaliate by decreasing services or by bringing or threatening to bring action for possession or by refusing to renew a rental agreement because the tenant has:

(1) Complained in good faith of a code violation to a government agency charged with the responsibility for the enforcement of such code;

(2) Complained to the landlord of a violation of any of the provisions of this article;

(3) Organized a tenant association or complained to the Tenant Union, Student Legal Service, or similar private or governmental organization about a violation of the provisions of this article or a violation of the rental agreement;

(4) Exercised or attempted to exercise any right or enforce any remedy granted to the tenant under this article.

(b) If the landlord acts in violation of subsection (a), the tenant has a defense in any retaliatory action against him or her for possession and shall be entitled to recover possession, an amount equal to two (2) months rent and reasonable attorney's fees.

(Ord. No. 9394-58, § 1, 1-18-94)

G. HUMAN RIGHTS ORDINANCE

Chapter 12 HUMAN RIGHTS

Art. I. In General, §§ 12-1--12-15

Art. II. Commission on Human Relations, §§ 12-16--12-36

Art. III. Discrimination, §§ 12-37--12-117

Div. 1. Generally, §§ 12-37--12-60

Div. 2. Prohibited Practices, §§ 12-61--12-80

Div. 3. Complaint Procedures, Investigation and Mediation,
§§ 12-81--12-100

Div. 4. Administration and Enforcement, §§ 12-101--12-117

Art. IV. Reserved

ARTICLE I. IN GENERAL

Secs. 12-1--12-15. Reserved.

ARTICLE II. COMMISSION ON HUMAN RELATIONS

Sec. 12-16. Establishment.

There is hereby established a commission on human relations.

Sec. 12-17. Composition, appointment.

The commission on human relations shall consist of nine (9) members to be appointed by the mayor with the approval of the city council. Members of the commission shall be chosen from among residents of the city representing various segments of the community. In the making of appointments hereunder, the mayor may receive recommendations by civic groups.

Sec. 12-18. Terms of members.

The term of office of each person appointed to the commission on human relations, unless otherwise expressly provided for by ordinance, shall expire at 7:30 p.m. on the third May first following the date of appointment. The terms of office of the members shall be staggered.

Sec. 12-19. Organization.

The commission on human relations shall elect from its members a chairperson and such other officers as it deems necessary, and may adopt such rules and regulations as may be necessary or appropriate to carry out its duties.

Sec. 12-20. Quorum.

The lesser of a majority of members or any four (4) members of the commission on human relations shall constitute a quorum.

Sec. 12-21. Meetings; absence of member.

(a) The commission on human relations shall meet from time to time, at least once each month, on call of the chairperson or of any four (4) members.

(b) Any member who is absent from all meetings in three (3) consecutive months may be replaced as in the case of a vacancy.

Sec. 12-22. Duties; cooperation with city offices.

(a) The commission on human relations shall cooperate with the mayor, city council, city departments, agencies and officials in securing the furnishings of equal services to all residents, and where the need is greater, in meeting that need with added service; training city employees to use methods of dealing with intergroup relations which develop respect for equal rights and

which result in equal treatment without regard to race, color, sex, religion, national origin, ancestry, disability, or sexual orientation; assuring fair and equal treatment under the law to all citizens; protecting the rights of all person to enjoy public accommodations and facilities and to receive equal treatment from all holders of licenses, contracts or privileges from the city; and maintaining equality of opportunity for employment and advancement in the city government.

(b) The purposes of the human relations commission shall be to:

(1) promote and uphold the provisions of the Urbana Human Rights Ordinance;

(2) to hear complaints of unlawful discrimination filed with the city, in accordance with the provisions of this ordinance;

(3) plan and carry out programs aimed at eliminating discrimination as defined in this ordinance, as well as to all residents;

(4) develop means of anticipation and relief of community tensions that arise from racial, ethnic, religious and social differences;

(5) cooperate with the mayor, city council, city departments, agencies and officials in establishing and maintaining good community relations and securing the furnishings of equal services to all residents;

(6) stimulate active involvement of business, religious and education sectors of the community to encourage full and equal opportunity for all persons;

(7) receive and investigate complaints involving discrimination, as defined but not limited to, the protections of the Human Rights Ordinance, in accordance with Section 12-81.

(8) initiate investigations into areas of possible discrimination which might come to the attention of the commission although there is no individual complaint. These class based investigations, after the Commission's factfinding, may be issued as HRC reports and be distributed throughout the community. The Human Relations Commission may initiate action, including informal mediation and recommendations to the Council for formal action, to end any discrimination it may find as a result of these investigations, in accordance with Section 12-81.

(c) The commission shall advise and consult with the mayor and city council on all matters involving racial, religious, gender, ethnic, disability or sexual orientation prejudice or discrimination and recommend such legislative action as it may deem appropriate to effectuate the policy of this article.

(d) The commission will periodically review, with the Personnel Director and the mayor or his designee, the city's affirmative action program and report the results of the review to the city council.

(e) The services of all city departments and agencies shall be made available by their respective heads to the commission at its request, and information in the hands of any department or agency shall be furnished to the commission upon written request to the mayor. Upon receipt of recommendations in writing from the commission, each department or agency shall submit a reply in writing indicating the disposition of, and action taken, with regard to such recommendations.

(f) The commission shall render an annual report to the mayor and city council.

Sec. 12-23. Cooperation with other agencies.

The commission on human relations shall invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations,

professional and technical organizations, and other groups in the city in carrying on its work. The commission may aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community. The commission shall cooperate with state and federal agencies whenever it deems such action appropriate in effectuating the policy of this article.

Sec. 12-24. Performance of duties delegated by mayor and council.

The commission shall perform such further duties as may be delegated to it by the mayor and city council.

Sec. 12-25. Budget.

The commission on human relations shall annually submit a budget to the mayor. Such budget shall show those funds that are deemed necessary by the commission to implement its duties under this article.

Secs. 12-26--12-36. Reserved.

ARTICLE III. DISCRIMINATION

DIVISION 1. GENERALLY

Sec. 12-37. Intent and purpose.

It is the intent of the City of Urbana in adopting this article, to secure an end, in the city, to discrimination, including, but not limited to, discrimination by reason of race, color, creed, class, national origin, religion, sex, age, marital status, physical and mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income, or any other discrimination based upon categorizing or classifying a person rather than evaluating a persons unique qualifications relevant to an opportunity in housing, employment, credit or access to public accommodations.

Sec. 12-38. Short title.

This article may be cited as the "Human Rights Ordinance."

Sec. 12-39. Definitions.

[For the purpose of this article, the following words and terms shall be defined as herein set forth:]

Bona fide occupational qualification. A qualification reasonably necessary to the normal operation of a particular business.

Commission. The City of Urbana's human relations commission.

Complainant. A person who believes that he/she has been aggrieved by a violation of a provision of this article and who files a complaint with the commission or officer.

Council. The council of the City of Urbana, Illinois.

Credit transaction. Any invitation to apply for credit, application for credit, extension of credit or credit sale.

Disability. The term "disability," with respect to an individual, means (a) a physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

Discrimination. Any practice or act which is unlawfully based wholly or partially on the race, color, creed, class, national origin, religion, sex, age, marital status, physical or

mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income of any individual, or any subclass of the above groups.

Employee. Any individual employed or seeking employment from an employer.

Employer. Any person who, for compensation, employs any individual except for the employer's parents, spouse or children; or who employs domestic servants engaged in and about the employer's household.

Employment agency. Any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees the opportunity to work for an employer, including any agent of such a person.

Family responsibilities. The state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including single parents.

Labor organization. Any collective bargaining unit, committee, group, association or plan in which employees participate directly or indirectly and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms, conditions or privileges of employment.

Lease. This includes sublease, assignment, rental, or providing the use of real property for a fee, goods, services or anything of financial value, and includes any contract to do any of the foregoing.

Marital status. The state of being married, separated, divorced, widowed or single and the conditions associated therewith, including pregnancy or parenthood.

Matriculation. The condition of being enrolled in college or a university, whether as an undergraduate, graduate or professional student in any area of study, fulltime or part-time, in either a degree or non-degree program, or in a business, nursing, professional, secretarial, technical or vocational school or an adult educational program.

Officer. The City of Urbana's human relations officer, or the officer's designee.

Owner. Any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to a share of, or holds any beneficial interest in, any real estate cooperative which owns any real property.

Person. One or more individuals, labor unions, employers, employment agencies, partnerships, associations, creditors, corporations, cooperatives, legal representatives, government agency, trustees, owner, or any agent or representative of any of the foregoing.

Personal appearance. The outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, such as weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when such requirement is uniformly applied for admittance to a public accommodation or to employees in a business establishment for a reasonable business purpose.

Political affiliation. The state of belonging to or endorsing any political party or organization or taking part in any activities of a political nature.

Public accommodations. All places, businesses or individuals offering goods, services or accommodations to the general public.

Real property. Any real estate, vacant land, building or structure, or any part thereof within the city limits of Urbana, Illinois.

Respondent. A person charged with a violation of a provision of this article.

Sex. The state of being or becoming male or female or transsexual, or pregnant, or the ability to become pregnant.

Sexual harassment. Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, housing, or access to public accommodations, (2) submission to or rejection of such conduct by an individual is used as the basis for decisions in employment, housing, or access to public accommodations affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment for working, housing, or use of public accommodations.

Sexual orientation. Male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

Source of income. The point or form of the origination of legal gains of income accruing to a person in a stated period of time; from any occupation, profession or activity, from any contract, agreement or settlement, from federal, state or local payments, including Section 8 or any other rent subsidy or rent assistance program, from court ordered payments or from payments received as gifts, bequests, annuities or life insurance policies.

Secs. 12-40--12-60. Reserved.

DIVISION 2. PROHIBITED PRACTICES

Sec. 12-61. Discrimination in opportunities, generally.

(a) Every individual shall be afforded the opportunity to participate fully in the economic, cultural and intellectual life that is available in the city, which shall include but not be limited to opportunities in employment, housing, places of public accommodation and credit or commercial transactions.

(b) It shall further be unlawful to discriminate in the provisions of any of the foregoing opportunities.

(c) With respect to age, physical or mental disability, matriculation or source of income, it shall not be an unlawful practice to accord preferential treatment to any individual when such treatment is designed to promote the safety, health or welfare of such individuals because of their circumstances, relative to their age, physical or mental disability, matriculation or source of income, which would not normally allow them to enjoy, to the fullest extent, those benefits of our society which are generally available to others. Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

Sec. 12-62. Employment.

(a) *By an employer.* It shall be an unlawful practice for an employer to do any of the following acts for a reason based wholly or partially on discrimination:

(1) To fail or refuse to hire, to discharge or to accord adverse, unlawful and unequal treatment to any person with respect to his/her application, hiring, training, compensation, tenure, upgrading, promotion, layoff or any other terms, conditions or privileges of employment;

(2) To limit, segregate or classify his/her employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee; provided, that an employer who is discriminating with respect to compensation shall not, in order to comply with the provisions of this section, reduce the wage rate of any employee;

(3) To engage in, permit, or tolerate sexual harassment.

(b) *By an employment agency.* It shall be an unlawful practice for an employment agency to do any of the following acts for a reason based wholly or partially on discrimination:

(1) To fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual in any way which would deprive or tend to deprive such individual of an employment opportunity;

(2) To engage in, permit, or tolerate sexual harassment.

(c) *By an employer or employment agency.* It shall be an unlawful practice for an employer or employment agency to make or use a written or oral inquiry or form of application that elicits or attempts to elicit information for a reason based wholly or partially on discrimination; to make or keep a record of or disclose such information, except that the collection and reporting of such information shall not be unlawful if done for equal opportunity or affirmative action purposes pursuant to any local, state or federal government equal opportunity or affirmative action program.

(d) *By a labor organization.* It shall be an unlawful practice for a labor organization to do any of the following acts for a reason based wholly or partially on discrimination:

(1) To exclude or to expel from its membership, or otherwise discriminate against any individual;

(2) To limit, segregate or classify its membership;

(3) To classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of an employment opportunity, or otherwise adversely affect his/her status as an employee or an applicant for employment;

(4) To engage in, permit, or tolerate sexual harassment.

(e) *By an employer, employment agency or labor organization* It shall be an unlawful practice for an employer, employment agency or labor organization to do any of the following acts for a reason based wholly or partially on discrimination:

(1) To exclude any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including an on-the-job training program;

(2) To place or accept an order or request for referrals, to print or publish, or cause to be printed or published, any notice or advertisement, or use any publication form, relating to employment by such an employer, or to membership, or any classification or referral for employment by such a labor organization or employment agency, indicating any preference, limitation, specification or distinction based on discrimination.

(f) *Exceptions:*

(1) It shall not be an unlawful practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as retirement, pension or insurance plan which is not a subterfuge to evade the purposes of this article, except that no such employee seniority system or benefit plan shall excuse the failure to hire any individual.

(2) It shall not be an unlawful practice for a notice or advertisement to indicate a preference, limitation or specification where such factors are bona fide occupational qualifications necessary for employment. Nor shall it be unlawful for a person to request, accept an order for, refer or hire an individual based on such a preference, limitation or specification where such factors are bona fide occupational qualifications necessary for such employment.

(3) It shall not be an unlawful practice for any person to develop a lawful affirmative action plan designed to overcome the effects of past discrimination and to take action not otherwise prohibited by this article or state or federal law to carry out any such affirmative action plan.

Sec. 12-63. Public accommodations.

(a) *Generally.*

(1) It shall be an unlawful practice to do any of the following acts wholly or partially for a reason based on discrimination: To deny, directly or indirectly, or charge a higher price than the regular rate, for the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation; to print, circulate, post, mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation will be refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable. It shall also be unlawful to fail to make reasonable modifications to policies, practices or procedures when such modifications are necessary to afford equal services or accommodations to individuals with disabilities; to fail to remove architectural barriers and communication barriers that are structural in nature in existing facilities, where such removal may be readily achievable; to fail to take such steps as may be necessary to ensure that no individual with a disability is excluded, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services. A party providing goods or services to the public shall not be required to take any action under this section that would fundamentally alter the nature of such goods and services being offered or would result in an undue burden.

(b) *Credit transactions:*

(1) It shall be an unlawful practice for any person to deny, refuse or restrict the amount or use of credit that is extended; or to impose different terms or conditions with respect to extensions of credit based on discrimination.

(2) It shall be an unlawful practice for any person to refuse, upon the written request of an unsuccessful applicant for credit, to provide within a reasonable period of time such an applicant with a written statement explaining the reason(s) for the denial, refusal or restriction of the amount or use of credit.

(3) It shall not be unlawful for any party to a credit transaction to consider the credit history of any individual applicant and to use accepted standards to determine an individual applicant's ability to fulfill the terms of the transaction if such methods are utilized in the same fashion to determine all applicant's eligibility for credit and are not designed to contravene, nor have the effect of contravening, the intent of this article.

Sec. 12-64. Housing and commercial space.

(a) *Generally.* It shall be an unlawful practice to do any of the following acts for a reason wholly or partially based on discrimination:

(1) To refuse to negotiate for, enter into, or perform any sale, exchange or lease of any real property; or to require different terms for such transaction or to represent falsely that an interest in real property is not available for inspection, purchase, sale, exchange, lease or occupancy when in fact it is so available.

(2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction.

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- (3) To refuse to lend money, guarantee a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance, relating to the ownership or use of any interest in real property.
 - (4) To refuse or restrict facilities, service, repairs or improvements for a tenant or lessee.
 - (5) To make, print or publish, or to cause to be made, printed or published any notice, statement or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing related thereto, which notice, statement or advertisement indicates or attempts to indicate any preference or limitation.
 - (6) To discriminate in any financial transaction involving real property on account of the location of the residence or business, a practice commonly referred to as "red lining."
 - (7) To refuse examination of copies of any listing of real property.
 - (8) To enter into a listing agreement which prohibits the inspection, sale, exchange, lease or occupancy of real property.
 - (9) To act or undertake to act, in any capacity, in a transaction in which a person knows that a violation of this article has occurred or will occur.
 - (10) To purchase, sell, exchange, lease or occupy real property, or authorize and direct one in his/her employment or on his/her behalf to do so, or solicit another person to do so, for the specific reason and intention of preventing another person or persons from transacting the same.
 - (11) To refuse to negotiate for, enter into or perform any sale, exchange or lease of any real property because of discrimination against any party to the transaction, any member of the family of any such party, any person using or occupying or intending to use or occupy the real property or any person using or occupying any real property in the area in which such real property is located.
 - (12) To refuse to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before modifications to the extent necessary for future reasonable use of persons without disabilities, reasonable wear and tear excepted. The landlord may not increase for disabled persons any customarily required security deposit. Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as a part of such a restoration agreement a provision requiring that the tenant pay a reasonable amount of money not to exceed that cost of the restoration. The landlord shall only collect restoration money for actual costs incurred in the restoration. The landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modification as well as reasonable assurances that the work will be done in a workman-like manner and that any required building permits will be obtained;
 - (13) To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.
- (b) *Blockbusting and steering.* It shall be an unlawful practice for any person, whether or not acting for monetary gain, directly or indirectly to engage in the practice of "blockbusting" or "steering", including, but not limited to, the committing of any one or more of the following acts:

(1) To promote, induce, influence, or attempt to promote, induce or influence a transaction in real property through any representation, means or device whatsoever calculated to induce a person to discriminate or to engage in such transaction wholly or partially in response to discrimination, prejudice, fear or unrest adduced by such means, device or representation.

(2) To place a sign or display any other device either purporting to offer or tending to lead to the belief that an offer is being made for a transaction in real property that is not in fact available or offered for transaction, or which purports that any transaction in real property has occurred that in fact has not.

(3) To represent that a change has occurred, will occur or may occur with respect to the composition of the owners or occupants in any block, neighborhood or area in which real property, which is the subject of a real estate transaction, is located if such representation is based on discrimination.

(4) To represent that a change with respect to the composition of the owners or occupants in any block, neighborhood or area will result in a lowering of property values, in an increase in criminal or anti-social behavior, or in a decline in the quality of schools in such block, neighborhood or area if such representation is based on discrimination.

(c) *Signs, notices, publications.* It shall be an unlawful practice for any person to do any of the following acts for a reason wholly or partially based on discrimination:

(1) To post or erect or cause or permit any person to post or erect any sign or notice upon any real property, managed by or in the custody, care or control of such person, indicating an intent to sell or lease any real property in a manner that is unlawful under this article.

(2) To publish or circulate, or cause or permit any person to publish or circulate, a statement, advertisement or notice of an intention to sell or lease any real property in a manner that is unlawful under this article.

(d) *Exceptions:*

(1) Nothing in this article shall require the owner to offer real property to the public at large before selling, exchanging or leasing it, provided that the owner complies with all other provisions of this article.

(2) Nothing in this article shall be construed to apply to the rental or leasing of housing accommodations in that portion of a building in which the owner, or members of his or her family, occupy one of the living units and in which the owner-occupant anticipates the necessity of sharing a kitchen or bathroom with a prospective tenant, not related to the owner-occupant.

(3) The provisions of this article shall not be so construed as to prohibit a person from inquiring into and reporting upon the qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those based on discrimination.

(4) Nothing in this article is intended to prohibit any person from giving preference in renting or leasing housing, or any part thereof, to elderly and/or disabled persons, or both to elderly and to disabled when the building is either constructed or remodeled to make provision for the needs of elderly and/or disabled. Evidence of such provision includes but is not limited to, ramps; doorway provisions; bathroom equipment, such as shower seats; grab bars; hardware, such as door levers in place of doorknobs, adaptable kitchen appliances, and/or other services meeting the needs of its residents.

Secs. 12-65--12-80. Reserved.

DIVISION 3. COMPLAINT PROCEDURES, INVESTIGATION AND MEDIATION

Sec. 12-81. Filing of complaints.

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- (a) Any individual who believes that he or she has been aggrieved by a violation of the provisions of this article may file a complaint with the commission or officer. An individual seeking compensatory damages must file a complaint with the human relations officer. The officer shall keep records of all complaints made to the Human Relations Office, whether or not a formal complaint has been filed.
- (b) The officer may, in lieu of an individual complainant filing a written statement, on his or her initiative, file and process a written statement of alleged discrimination.
- (c) The complainant shall make a written statement that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the officer to identify the respondent. Such written statement shall be referred to herein as a "complaint."
- (d) All complaints shall be filed within ninety (90) days of the occurrence of the alleged violation, or ninety (90) days after the discovery thereof, but in no event shall a complaint be filed more than one (1) year after the occurrence of the violation.
- (e) Complaints filed may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the public hearing specified in section 12-84(b). The circumstances accompanying such withdrawal may be fully investigated by the officer or the commission.
- (f) The officer may investigate individual instances and patterns of conduct, which the commission or officer feels are in violation of the provisions of this article, and may file complaints in connection therewith.

Sec. 12-82. Notice and response to complaint, preliminary investigation, initial determination.

- (a) The officer shall promptly investigate allegations of discrimination set forth in any complaint and shall furnish the respondent with a copy of said complaint by certified mail or personal service within seven (7) days of filing of the complaint.
- (1) The respondent shall file a verified response to the allegations set forth in the complaint within twenty-eight (28) days of the date respondent receives the complaint. All allegations contained in the complaint not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The officer shall issue a notice of default directed to any respondent who fails to file a verified response to a complaint within twenty-eight days of the date on which the complaint was received by the Respondent, unless the respondent can demonstrate good cause as to why such notice should not be issued.
- (2) The respondent shall, at the request of the officer, permit the officer to inspect and copy such records as may be relevant to the investigation. Should the respondent refuse to permit such inspection and copying, the commission may issue a subpoena for such records.
- (b) An initial determination in writing shall be made by the investigator, stating whether or not there is probable cause to believe that this article has been violated, and on what facts such determination is based. Notice of the initial determination shall be furnished to the respondent and complainant within forty-two (42) days of the date the respondent files its verified response to the complaint.
- (c) If the officer finds, with respect to any respondent, that the commission lacks jurisdiction or that probable cause does not exist, the officer shall issue and cause to be served on the Respondent and the Complainant an order dismissing the allegations of the complaint, along with a copy of this section explaining the Complainant's right to appeal.

(d) An order dismissing the allegations of the complaint for lack of jurisdiction or lack of probable cause may be appealed to the commission by the complainant within twenty-eight (28) days of the date on which the order was served, by mailing to the Chair of the Commission a written request for an informal public hearing.

(1) The Chair shall appoint one member of the Commission and two other persons familiar with the Ordinance to hear the appeal.

(2) The informal hearing shall be held within twenty-eight (28) days of the date a written request is received by the Chair of the Commission.

(3) Notice of the informal hearing date shall be served upon the complainant and the respondent no less than seven (7) days in advance of the hearing date.

(4) The Commissioner appointed to hear the appeal shall preside at the informal hearing at which time the officer will state the reasons for his/her initial determination of no probable cause and the complainant will state his/her objections to the determination. The respondent shall have the opportunity, but shall be under no obligation, to comment in support of the officer's determination.

(e) After hearing from all parties, a decision shall be made by majority vote of the body hearing the appeal to either:

(1) Issue an order in concurrence with the officer's finding of no probable cause; or

(2) Issue an order determining probable cause, stating on what basis such determination is made. Notice of the order determining probable cause shall be served upon the respondent within seven (7) days, after which the officer shall attempt conciliation in accordance with the procedures set forth herein.

Sec. 12-83. Informal conciliation; follow-up proceedings; confidentiality.

(a) In the event of a determination of probable cause, an attempt shall be made by informal methods of conference, conciliation and persuasion to eliminate the alleged discriminatory practice and to compensate the complainant for damages suffered as a result of the practice.

(b) If the respondent and complainant agree to a conciliation agreement in writing, such written agreement shall be reported to the commission and the commission shall issue an order stating the terms of the agreement and furnish a copy of the order to the complainant and respondent.

(c) At any time within one year from the date of a conciliation agreement, the commission, or the officer at the request of the commission, shall investigate whether the terms of the agreement are being complied with by the respondent. Upon finding that the terms of the agreement are not being complied with by the respondent, the commission shall certify the matter to the city attorney for enforcement proceedings.

(d) If the respondent and complainant do not agree to a written conciliation agreement within forty-two (42) days of the determination of probable cause, either party shall have the right to a public hearing of the complaint before the commission in accordance with the procedures set forth in Section 12-84. Said public hearing shall commence within 105 days of the date that a written request for a hearing is received by the chair of the commission.

(e) Except for the terms of the conciliation agreement and any information presented at public meetings or hearings, neither the commission, the officer, nor any officer or employee thereof shall make public, without the written consent of the involved parties, information concerning the complaint.

(f) Nothing in this article shall be so construed as to contravene, or attempt to contravene, the provisions or intent of the Illinois Open Meeting Law.

Sec. 12-84. Public hearing.

(a) *Notice of hearing.* In case of failure of conciliation efforts, or in advance of such efforts, as determined by the officer, and after finding probable cause and after consulting and coordinating with the office of the city attorney, the officer shall cause to be issued and served in the name of the commission, a written notice of the time, date and place of hearing, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of such complaint at a public hearing; such hearing to be scheduled not less than thirty (30) days nor more than ninety (90) days after such service. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.

(b) *Conduct of hearing.*

(1) After a complaint has been noticed for hearing, the commission shall conduct said hearing to make a determination concerning the complaint. The chair of the commission shall appoint a hearing officer, and the hearing officer shall rule on motions and all other matters and conduct the hearing according to rules as adopted by the commission. The city shall be responsible for paying the costs of such hearing officer provided that the city attorney has approved the form of the retention agreement form.

(2) The office of the city attorney or the officer shall present the city's case before the commission. Efforts at conciliation and reconciliation shall not be received into evidence.

(3) If the respondent fails to appear at the hearing after having been served with notice, the commission shall proceed with the hearing on the basis of the evidence in support of the complaint.

(4) The respondent may appear at the hearing with or without representation, may examine and cross-examine the witnesses and the complainant, and may offer evidence.

(5) At the conclusion of any hearing, the commission shall render a decision as to whether or not the respondent has engaged in an unlawful practice or has otherwise violated the provisions of this article. No such decision by the commission shall be by a vote of less than a majority of its duly authorized members. If it is determined that a respondent has not engaged in an unlawful practice, the commission shall issue, and cause to be served on the respondent and the complainant, a decision and order dismissing the case. If it is determined that a respondent has engaged in an unlawful practice, the commission shall issue, and cause to be served on such respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful practice, and to take such action as in the judgment of the commission will carry out the purposes of this article. Such action may include, but shall not be limited to, the following acts on behalf of the complainant and other aggrieved individuals: Hiring, reinstating or upgrading, with or without back pay; restoring membership in any respondent labor organization, admitting to or allowing to participate in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges; payment of compensatory damages; extending credit, referring for employment, selling, exchanging or leasing real property, or providing housing accommodations.

(6) Nothing in this article shall be construed as to permit back pay and/or compensatory damages to equal more than the actual monetary losses or costs incurred by the complainant(s) as a result of the discrimination by the respondent(s).

Secs. 12-85--12-100. Reserved.

DIVISION 4. ADMINISTRATION AND ENFORCEMENT

Sec. 12-101. Fines.

Any person found in violation of any provision of this article by the commission, or in subsequent judicial proceedings in a court of law, shall be fined not more than five hundred dollars (\$500.00) for each violation.

Sec. 12-102. Judicial review.

Any person suffering a legal wrong, or adversely affected or aggrieved by an order or decision of the commission in a matter, pursuant to the provisions of this article, is entitled to a judicial review thereof, upon filing a written petition for such a review with the circuit court of the Sixth Judicial Circuit or any court of competent jurisdiction.

Sec. 12-103. Enforcement powers of commission; institution of civil proceedings.

(a) The chair of the commission, or the acting chair in the absence of the chair, shall issue subpoenas at the instance of the commission or the investigator, or at the instance of a respondent or complainant to the proceedings, whenever necessary to compel the attendance of a witness or to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence in any investigation or hearing of a discrimination complaint.

(b) If the commission determines that the respondent(s) have not, after thirty (30) calendar days following service of its order, corrected the unlawful practice and complied with this article, the commission shall certify the matter to the city attorney for enforcement proceedings.

(c) The city attorney shall institute, in the name of the City of Urbana, civil proceedings, including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary to obtain complete compliance with the commission's orders.

Sec. 12-104. Compliance with article provisions.

(a) It shall be an unlawful practice for any person to refuse to hire, to discharge, to evict from housing or commercial space, to refuse to negotiate for, sell, exchange or lease any real property or to include terms or conditions for such property, to harass, intimidate or in any other way retaliate or discriminate against, or interfere with any individual because he/she has made a complaint, testified or assisted in any proceeding under this article, whether on his/her own behalf or for another individual, or because he or she has told, objected to, or commented upon any policy, rule, action, or barrier to that which he or she in good faith believes violates this article.

(b) It shall be an unlawful practice for any person to aid, abet, compel or coerce another person to commit an act which is unlawful under the provisions of this article, or to attempt to do so.

(Ord. No. 7879-92, § 1(25), 4-24-79; Ord. No. 9798-49, § 1, 10-6-97)

Sec. 12-105. Exceptions.

(a) Any practice or act of discrimination which would otherwise be prohibited by this article shall not be deemed unlawful if it can be established that such practice or act can be justified on the basis of being reasonably necessary to the normal operation of the business or enterprise.

However, a "business necessity" exception shall not be justified by the factors of increased cost to business, business efficiency, the comparative or stereotypical characteristics of one group as opposed to another or the preferences of co-workers, employers' customers or any other person.

(b) Nothing contained in the provisions of this article shall be construed to bar any religious or political organization from giving preference to persons of the same political or religious persuasion in the conducting of the said organizations' activities.

(c) Nothing contained in the provisions of this article shall be considered to be discriminatory on the basis of age if the act occurs with respect to a person under the age of eighteen (18).

(d) The provisions of this article shall not apply to other units of government, including the Federal government or any of its agencies, the State of Illinois and any other political subdivision, municipal corporation or their agencies.

Sec. 12-106. Severability of provisions.

If any provision or part thereof of this article, or application thereof to any person or circumstance, is held invalid, the remainder of the article and the application of the provision, or part thereof, to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ord. No. 7879-92, § 1(27), 4-24-79)

Sec. 12-107. Posting of notice.

Every person subject to this article shall post and keep in a conspicuous location, where business or activity is customarily conducted or negotiated, a notice provided by the City of Urbana, whose form and language shall have been prepared by the officer setting forth excerpts from, or summaries of, the pertinent provisions of this article and information pertinent to the filing of a complaint.

(Ord. No. 7879-92, § 1(28), 4-24-79)

Sec. 12-108. Records and reports.

When a complaint has been filed against a person pursuant to this article, the respondent shall preserve all records, which may be relevant to the charge or action until a final disposition of the charge. Such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this article.

Secs. 12-109--12-117. Reserve

H. VISITABILITY ORDINANCE

ORDINANCE NO. 2000-09-105

AN ORDINANCE AMENDING THE 1989 CABO ONE- AND TWO-FAMILY DWELLING CODE

WHEREAS, the Urbana City Council finds the following:

- a. That persons with disabilities and their immediate families are often isolated in their homes because most homes contain barriers to persons with disabilities; and
- b. That persons with disabilities and their immediate families often experience difficulty finding suitable, affordable housing; and
- c. That there are features in construction that can make a new house visitable, and in many cases livable, for persons with disabilities; and

WHEREAS, the Urbana City Council finds that it is appropriate to implement visitable construction standards for single and two-family construction in projects where the City participates; and

Whereas, the Urbana City Council finds that it is appropriate to promulgate standards that may be less restrictive than the Illinois Accessibility Code and the accessibility requirements contain in the City of Urbana Building Codes for larger construction projects.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City of Urbana Building Code is hereby amended as follows:

a. The 1989 CABO One- And Two-Family Dwelling Code as previously adopted by the Urbana City Council is hereby amended to include Appendix F entitled "Visibility Standards" and to read as follows:

Section F - 101 (Scope)

The provisions of this appendix shall control the design of visitability features in new construction of one and two family dwellings funded with financial assistance originating from or flowing through the City of Urbana and shall supersede other requirements of this code.

Section F - 102 (Definitions)

Public Funds means funds subject to the control or regulation of the City of Urbana, Illinois or any of its officers in their official capacity, except pension

Financial Assistance means providing public funds intended to be used for paying for labor or materials in the construction of a new single-family or two-family structure. It also includes use of public funds to acquire the parcel of land or the donation of the parcel of land owned by the

City, on which a new single-family or two-family structure is to be constructed. Such financial assistance shall not include infrastructure, sanitary or storm sewer or other public infrastructure improvements.

Section F - 103 Applicability

For the purpose of this section “new construction” shall include the construction of a new single-family or duplex dwelling on a vacant lot. It shall not include additions to or remodeling of existing buildings. Such financial assistance shall include funds only used for the purchase of land or the donation of land from the City used to construct structures governed by this ordinance. Its shall also include funds used for the actual construction of the governed structures, but shall not include infrastructure installation such as sanitary or storm sewers, streets or other costs.

If public funds are utilized to upgrade a particular element(S) of a structure for hazard mitigation, such as higher wind resistance, tornado shelters or other similar features, it shall not in and of itself, require the building to meet the requirements of this section.

Alternate methods to the specific clearance to grade and slope requirements of sections R 301.3 and R304.2 respectively, may be approved by the code official to achieve the requirements of this section.

Section F - 104 Visitability Features

F-104.1 - No step entrance: There shall be at least one entrance (front, side, rear, or through the garage) which has no steps and is served by walks and/or ramps meeting the specifications of section F-103.2.

F-104.2 - Visitable Route: The required no step entrance shall be accessed via a visitable route that shall meet the following criteria.

F-104.2.1 Grade: Sidewalks and ramps that are part of a visitable route shall have the maximum slope and length shown in Table Number F-103.1

Table F-104.1 Max Grade and length for visitable route elements

ELEMENTS	GRADE	LENGTH
Sidewalks	1/20	N/L
Type 1 Ramp	1/8	5' (Max 7.5" rise)
Type 2 Ramp	1/10	12' (Max 14.5" rise)
Type 3 Ramp	1/12	30' (between landings)_

F-104.2.2 Width: The visitable route shall have a minimum clear width of 36 inches.

F-104.2.3 Landings: Landings in a visitable route shall be not less than 36" by 36" clear or shall meet the requirements of Section 400. Illustration B, Figures 7 or 25 of the Illinois Accessibility Code - (4/24/97) whichever is greater.

F-104.2.4 Surfaces: Surfaces shall be non-slip.

F-104.2.5 Drainage cross slope: Cross slope shall be no greater than 1/50.

F-104.3 Doors/Openings: All doors or openings shall have a minimum net clear width of 32".
Exception: Doors to closets with an area of 15 square feet shall be excluded from this requirement.

F-104.4 Bathroom Walls: Each bathroom or other room containing a toilet, bathtub, shower stall, or shower seat shall have reinforcing in the walls to allow for future installation of grab bars around those fixtures.

F-104.5 Corridors: Corridors shall be at least 36" in width.

F-104.6 Environmental Controls:

F-104.6.1 Wall Electrical Outlets: Wall electrical outlets shall be mounted at least 15 inches above the finished floor.

F-104.6.2 Light switches, thermostats and other controls: Light switches, thermostats and other control devices shall be mounted no higher than 48 inches above the finished floor.

F-105. Waivers. In cases where site conditions or other restrictions warrant, waivers from this code may be granted by the Urbana City Council after consideration and recommendation of the Building Code Board of Appeals (Board). Said waivers will be forwarded to the City Council only if the Board recommends their approval by majority vote of the members present and voting. If the Board does not reach a favorable recommendation, the waiver is denied and the Board's findings will be the final administrative decision on such a waiver. The City Council shall have the authority to grant or deny waiver requests that the Board forwards.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.



**UNAPPROVED
MINUTES
COMMUNITY DEVELOPMENT COMMISSION MEETING
Tuesday, November 24, 2009, City Council Chambers
400 South Vine Street, Urbana, IL 61801**

NOTE: A General Public Hearing on the preparation of the City of Urbana and Urbana HOME Consortium Consolidated Plan for Fiscal Years (FY) 2010-2014 was held immediately before this meeting. Chairperson Cobb opened the hearing at 7:03 p.m. and closed it at 7:52 p.m.

Call to Order: Chairperson Cobb called the meeting to order at 7:53 p.m.

Roll Call: Connie Eldridge called the roll. A quorum was present.

Commission Members Present: Fred Cobb, Janice Bengtson, George Francis, Theresa Michelson, Brad Roof, Anne Heinze Silvis, Dennis Vidoni

Commission Members Absent: Chris Diana, Jerry Moreland

Others Present: John Schneider, Jennifer Gonzalez and Connie Eldridge, Community Development Services; Durl Kruse; Esther Patt, Champaign-Urbana (C-U) Tenant Union; Katrin Klingenberg, Ecological Construction Laboratory (e-co lab); Belden Fields; Julie Watkins; Edward Bland, Jr. and Patty Smith, Housing Authority of Champaign County.

Approval of Minutes: *Chairperson Cobb asked for approval or corrections to the September 22, 2009 Community Development (CD) Commission minutes. Commissioner Vidoni moved to approve the minutes, and Commissioner Francis seconded the motion. Referencing page 4, fourth paragraph, last sentence, Commissioner Roof clarified that his comment was based on e-co lab's current contract with the City. The contract indicated that e-co lab would pre-sell their homes. It had been conveyed to the CD Commission that e-co lab would move forward in a different manner to avoid the past issue on Fairview Avenue. Commissioner Vidoni changed his motion to accept the minutes with this modification, and Commissioner Francis seconded it. The motion carried unanimously.*

Petitions and Communications: None.

Staff Report: Mr. Schneider provided an abbreviated staff report. The Fall 2009 Neighborhood Cleanup was a successful event. The following was distributed: an updated schedule for FY 2010-2014 Consolidated Plan and FY 2010-2011 Annual Action Plan; Notice of a 30 Day Public Comment Period and Public Hearing for Analysis of Impediments to Fair Housing Choice; a directory of Who's Who in Government from the Champaign County League of Women Voters 2009-2010.

Old Business: None.

New Business: **An Ordinance Approving Further Modifications to the City of Urbana and Urbana/Champaign/Champaign County HOME Consortium FY 2008-2009 and FY 2009-2010 Annual Action Plans** – Mr. Schneider reviewed the process to amend

Annual Action Plans and the proposed amendments. There are three proposed HOME Program amendments: (1) Urbana HOME Consortium—Super Energy Efficient Modular Single Family Home (FY 08-09 Community Housing Development Organization [CHDO] Operating Funds) Reallocated HOME Funds \$16,836; (2) City of Urbana HOME Program—Kerr Avenue Sustainable Development (FY03-04, 04-05, 05-06 Entitlement Funds) Reallocated HOME Funds: \$174,000; (3) City of Champaign HOME Program—Acquisition Rehab Program (FY 09-10 Entitlement Funds) Reallocated HOME Funds \$200,000.

HOME CHDO funds originally programmed for the now closed Urban League of Champaign County Development Corporation (ULCCDC) are being reallocated to e-co lab, which needed more funds to develop its second home. The Department of Housing and Urban Development (HUD) requires that at least 15% of HOME funds be allocated to CHDO reserve projects. In response to Commissioner Roof, Mr. Schneider clarified the CHDO operating funds will be used for a CHDO project. Referencing the term “CHDO Reserve,” Chairperson Cobb asked about the actual term how the funds were being held. Mr. Schneider replied this was HUD’s technical term. Participating jurisdictions are required to set aside 15% of HOME funds for CHDOs to use for CHDO projects.

Kerr Avenue Sustainable Development is a City of Urbana Council goal. HOME funds originally allocated for the property acquisition are available because funds from Fairlawn Village loan repayment were used to pay for the acquisition. HOME funds may only be used within a certain timeframe for property acquisition. Although the economy has affected progress of the development, the City is setting aside funds for that project.

The City of Champaign City Council approved the relocation of its HOME Program funds from Full Home Improvement to Acquisition Rehab. In response to Commissioner Vidoni, Mr. Schneider explained that Champaign will use HOME funds to rehab houses and will try to keep the affordability period under five years.

Commissioner Roof moved to recommend to City Council approval of an Ordinance Approving Further Modifications to the City of Urbana and Urbana/Champaign/Champaign County HOME Consortium FY 2008-2009 and 2009-2010 Annual Action Plans. Commissioner Silvis seconded the motion, and the motion carried unanimously.

An Ordinance Approving and Authorizing a Second Amendment to an Urbana HOME Consortium Community Housing Development Organization Agreement (Ecological Construction Laboratory – Super Energy Efficient Home FY 2007-2008) – Mr. Schneider explained this is the actual administrative action to amend the CHDO Developer Agreement with e-co lab for an Affordable Passive House at 1302 West Dublin Street, Urbana.

Commissioner Roof asked for clarification of the total cost of the house (\$172,000) and the amount of subsidy (\$117,500). Katrin Klingenberg, Executive Director of e-co lab, explained the goal was to start at that price. Based on previous experience, e-co lab is looking for opportunities to bring down the cost to \$100,000. There was discussion on the square foot price of \$130 and how it compared with e-co lab’s homes on Fairview Avenue. Ms. Klingenberg noted the Fairview homes had higher costs due to being held longer. Homeway Homes has been working with e-co lab to design and produce modular homes that construction would be within a two months period.

In response to Commissioner Roof, Mr. Schneider stated that e-co lab's houses at 1005 and 1007 West Fairview appraised at \$125,000. Commissioner Roof was concerned about the cost of Homeway homes versus stick built construction. Ms. Klingenberg stated the benefits of modular construction get better the more that are produced. A very small house does not benefit as much from mass production. E-co lab would like the product to proceed as soon as possible, and this funding is for immediate issues. Due to the assumption that e-co lab builds a prototype house, there are issues finding developers and investors for affordable housing. In Europe, affordable housing must be built to higher standards.

Commissioner Roof was concerned about building expensive houses and having to subsidize them. Considering the market value of neighboring houses, he requested further analysis on the "path to getting this affordable." Mr. Schneider requested data on the cost savings for utilities. Commissioner Vidoni felt that e-co lab is a good project for the community from an environmental and conservation perspective.

Commissioner Vidoni left the meeting at 8:17 p.m.

There was discussion on the cost per square foot, cost effectiveness, and market value of Homestead homes. Commissioner Roof requested more data. Ms. Klingenberg noted the cost per square foot looks higher because it is based on usable interior space. The passive homes have much thicker walls. Commissioner Francis felt that numbers make a point, and e-co lab should describe the money saved by lower utility costs. Commissioner Michelson thought of this project as a prototype on the cutting edge. There will be future economy of scale. Commissioner Roof agreed; however, he requested more evidence for future contracts.

Commissioner Michelson moved to recommend to City Council approval of an Ordinance Approving and Authorizing a Second Amendment to an Urbana HOME Consortium Community Housing Development Organization Agreement (Ecological Construction Laboratory – Super Energy Efficient Home FY 2007-2008). Commissioner Francis seconded the motion, and the motion carried unanimously.

Mr. Schneider requested the order of the agenda be changed to accommodate the members of the audience. *Commissioner Francis moved to change the order of the agenda by placing New Business Item D before New Business Item C. Commissioner Michelson seconded the motion, and the motion carried unanimously.*

A Resolution Authorizing the Mayor to Execute a Certification of Consistency for the Housing Authority of Champaign County Five-Year Plan FY 2010-2014, and the Annual Plan for Fiscal Year 2010 – Mr. Schneider stated that Grants Management Division staff compared the Housing Authority's plan with the City's current Consolidated Plan. HUD no longer requires the Housing Authority to submit the City of Urbana's Certification of Consistency; rather, it must be kept on file.

The new plan is structurally different from the old plan. Section 5.2 includes accomplishments of the Five-Year Plan, one being the demolition of public housing units at Lakeside Terrace. The redevelopment, now known as Crystal View Townhomes, is currently underway, and Certificates of Occupancy have been issued for the first four buildings. Section 7.0 discusses the future

redevelopment of Dunbar Court in Urbana. Attachment 9 discusses strategies for addressing housing needs. The Housing Authority's Five Year Plan FY 2010-2014 and the Annual Plan for FY 2010 is consistent with the City of Urbana's Consolidated Plan.

The Public Housing Authority (PHA) Plan Update includes changes from the last Annual Plan. The actual language on housing for extremely low-income persons is taken verbatim from the City's Consolidated Plan.

Chairperson Cobb noted the City of Urbana's plan does not allow discrimination against those who have been incarcerated. However, Attachment 5.2, page 3 of the Housing Authority's Plan refers to criminal background checks. Ed Bland, Executive Director of the Housing Authority, stated this is required by federal law. He discussed the origin of this federal law, which was put into place in the 1990s. While some Housing Authorities check the past 10-15 years, the Housing Authority of Champaign County checks only the past five years.

Chairperson Cobb questioned how this would be consistent with the City of Urbana's Consolidated Plan. Mr. Bland stated most of their funding was federal; therefore, the Housing Authority must follow federal guidelines. Mr. Schneider noted the language prohibiting discrimination among those who have been incarcerated was in the Urbana Human Rights Ordinance, but not in the Consolidated Plan. Federal law supersedes other laws. There was discussion on whether this deviation was acceptable. Which regulations apply depends on the type of funding.

In response to Chairperson Cobb, Mr. Schneider said the Housing Authority will incorporate any comments received before the end of the comment period.

In response to Commissioner Michelson, Mr. Bland confirmed the Housing Authority has reduced the vacancy turn-around time from 149 to 18 days because they are requiring more accountability in getting it done. He reviewed the Section 8 waiting list, which currently has 1500 families. This list is closed, with a projected opening in 2013-2014. The Public Housing waiting list for two, three or four bedrooms will open in 2012. The waiting list for one-bedroom units for persons 50 years old or older has a shorter waiting list.

There was discussion on how changing income affected a person's position on the waiting list. Once a year the Housing Authority sends a letter to everyone on the list to confirm or remove persons. When an applicant reaches the top of the list, the Housing Authority must confirm his/her income. If the applicant is over income, the Housing Authority removes him/her from the list. The Housing Authority pays the entire rent for those families with zero income.

Referencing the community's immediate needs, Commissioner Roof inquired if the Housing Authority could update the waiting lists more frequently. Mr. Bland described the large pool of applicants and how the process could become unmanageable. Priority is based on date and time of application.

The Housing Authority is purchasing 24 housing units in the City of Champaign and purchasing seven acres in Rantoul to build additional units. The bulk of the housing units are in Champaign/Urbana. The Housing Authority would like to provide housing for families in other parts of Champaign County.

In response to Commissioner Michelson, Mr. Bland explained how persons with Section 8 vouchers may use those vouchers anywhere in the United States. There is a process where the Housing Authority either bills or receives bills from other Housing Authorities for Section 8 vouchers.

Commissioner Michelson asked about landlords refusing Section 8 vouchers. Mr. Bland replied the Housing Authority inspects rental properties and regulates rent amounts. For example, because the Housing Authority rents are lower than the market rent in the campus town area, no families with Section 8 vouchers live in that area.

Commissioner Silvis moved to recommend to the Mayor approval of a Resolution Authorizing the Mayor to Execute a Certification of Consistency for the Housing Authority of Champaign County Five-Year Plan FY 2010-2014, and the Annual Plan for Fiscal Year 2010. Commissioner Francis seconded the motion, and the motion carried unanimously.

An Ordinance Approving the *Analysis of Impediments to Fair Housing Choice for the City of Urbana 2010* – Jennifer Gonzalez, HOME Program Grants Associate, gave a PowerPoint presentation on the *Analysis of Impediments*. HUD requires any community that receives Community Development Block Grant (CDBG) funds to prepare this report. She reviewed the resources used, including updated data from the American Community Survey, 2005-2007. The report defined impediments and identified four different categories. The last *Analysis of Impediments* was completed in 2003-2004. There will be a public hearing on December 8, 2009, with comments accepted until December 21, 2009.

There is difficulty in tracking accessible units in the community. Although PACE (Persons Assuming Control of Their Environment) tracks accessible units, there is a need for landlords and realtors to keep the lists up-to-date. Also, the City of Urbana offers an Access Grant Program for moderate income renters and homeowners.

Another impediment is landlords unwilling to translate housing documents. One suggestion is to work with the University of Illinois to create lease templates in different languages.

Todd Rent, the City of Urbana's Human Relations Officer, stressed the need for agencies to collaborate and streamline their marketing and education efforts in the community.

The last impediment is housing affordability and age of housing stock, which can burden homeowners. There are lead paint and energy issues.

In response to Commissioner Michelson, Ms. Gonzalez described how some organizations offer consultant testing for discrimination. Esther Patt, Champaign-Urbana Tenant Union Executive Director, would like this type of testing. However, few local organizations can do this, and consultants are expensive. Commissioner Michelson stated she did not want tax funds used for this purpose. Ms. Gonzalez noted the University of Illinois is a good resource and can offer technical assistance.

In response to Chairperson Cobb, Ms. Gonzalez explained that it was safer to stay with 2000 Census data rather than use estimates. As new data becomes available, the report can be updated.

Although she felt it was not good for landlords to discriminate, Commissioner Michelson questioned the use of undercover action to find discrimination. Ms. Gonzalez mentioned landlords discriminating against families with children and educating tenants as to when they should file a complaint. Chairperson Cobb asked about an alternative process that would be effective. Commissioner Michelson was concerned about City staff using their limited time and resources to do discrimination testing. Commissioner Silvis felt if the remedy was education, the funds were better spent on education.

There was discussion on why discrimination testing was included, whether or not there was a precedent, whether this method was used in other circumstances, and the consequence of “catching” a landlord who discriminates. Commissioner Francis stated if illegal activity was discovered, there was an obligation to report it.

Commissioner Silvis emphasized education for tenants so they understand when they are being discriminated against. Ms. Gonzalez indicated that Todd Rent also stressed education. Chairperson Cobb suggested getting feedback from the Legal and Human Relations Division as to the accuracy of the wording. Rather than saying “will consider,” Mr. Schneider suggested “could consider.” In response to Chairperson Cobb, Mr. Schneider explained staff would work with the Human Relations Officer in serious situations where tenants do not know their rights.

Commissioner Roof inquired about a source of funding and scope of cost. Mr. Schneider did not know if these activities would be eligible for HOME funds and indicated staff would have to work with Mr. Rent. Ms. Gonzalez added that Mr. Rent has reviewed and edited this report.

Debate continued on whether changing the wording from “would” to “could” would make the program ineffectual. Commissioner Michelson was uncomfortable with an undercover testing situation. Although she did not like it, Commissioner Bengtson felt if it was important, testing should be handled in some way.

Commissioner Roof moved to amend the language on page 10, third paragraph, to read “The City could consider undertaking a tailored testing program and/or education program of its own...” There were questions on who would be educated, the timing of testing, and gathering additional data. Chairperson Cobb suggested leaving testing out. Commissioner Roof decided to strike this motion and replace it with a new motion.

Commissioner Roof moved to recommend to City Council approval of the Analysis of Impediments to Fair Housing Choice 2010 with the following change: to amend the language on page 10, third paragraph, Impediment: Inefficient Complaint System, to read, “The City could consider undertaking a program of its own to minimize consulting expenses. He clarified that “tailored testing” would be deleted and “will” be changed to “could.” Commissioner Silvis seconded the motion. The motion carried with 5 ayes, 1 no.

In response to Commissioner Roof, Mr. Schneider will ask e-co lab if they have a buyer for the house to be constructed at 1302 West Dublin Street, Urbana. Mr. Schneider will email the answer.

Adjournment: Chairperson Cobb adjourned the meeting at 9:30 p.m.

Recorded by Connie Eldridge

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UNAPPROVED