



**League of Women Voters of Evanston  
Local Program 2021-2022  
Update of Housing and Zoning Positions  
February 8, 2022**

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## **Introduction**

At the annual meeting of the League of Women Voters of Evanston in May, 2021, the membership adopted a Local Program for 2021-2022 that included the following:

“LWVE will form a working group to review and update current positions on zoning and housing, to gain an understanding of revisions in local and county ordinances over the past ten to fifteen years; identify the relationship between zoning and housing policy and how they affect each other; and to consider current equity and affordability issues as they relate to both housing and zoning policy.”

The working group was formed and in order to review the current positions and determine whether they need to be changed to reflect changes that have occurred over time and new knowledge or new issues, they took the following actions:

- Conducted a review of relevant literature (studies, plans, articles, etc.)
- Conducted interviews with more than a dozen individuals, including city staff, developers, service providers, fair housing advocates, landlords, and others
- Reviewed relevant recent legislation
- Collected recent basic data about housing

The following report summarizes the information that was gathered and themes that we noticed in the areas of planning, policy and practices, education, enforcement, financing and regionalism. This summary will serve as preparation to consider consensus questions at a meeting with members.

## **LWV Evanston Current Positions**

### **Social Policy Housing**

Support for:

- Strong and effective implementation of the City's Fair Housing Ordinance, the Tenant/Landlord Ordinance and the Condominium Ordinance
- Policies and programs which increase affordable housing opportunities for persons with moderate or low income
- The development and rehabilitation of Evanston's housing stock for both purchase and rental

### **Natural Resources Land Use Zoning**

Support for:

- A fair and efficient zoning process
- A zoning ordinance which protects and enhances our community, while providing reasonable standards and adequate flexibility for the continued vitality of the city
- Timely and effective notifications as to all zoning-related meetings

## **Relevant Current LWVIL Position**

The Illinois League believes

- The State should plan for adequate supplies of low and moderate-income housing.
- Builders of large developments and planned unit developments should be required to provide a percentage of their units for low- and moderate-income housing.
- Some kind of fair-share plan should be developed so that every community will have a percentage of low- and moderate-income housing, rather than having it concentrated in a few areas of the state.

This kind of housing should be attractive and diversified in design and should be subsidized by both state and federal levels.

- The League believes an educational program is needed to explain the need for and concept of low and moderate-income housing and that, when necessary, zoning laws should be revised to accommodate such housing.

## **Notable legislative changes in recent years:**

### Inclusionary Housing Ordinance

Originally adopted in 2007, the most recently amended Inclusionary Housing Ordinance (IHO) was adopted by the Evanston City Council on October 29, 2018. The effective implementation date of this ordinance is January 1, 2019.

The purpose of IHO is to promote public health, safety, and welfare of the residents of Evanston by requiring residential developments or developments which contain a residential component to include a certain percentage of dwelling units in a proposed development to be priced affordably for low- and moderate- income households or make a financial contribution to the Affordable Housing Fund in accordance with the terms of the adopted ordinance.

### Accessory Dwelling Units (ADUs)

In September 2020, Evanston passed more flexible zoning regulations that make it easier than ever to build an ADU. ADUs are small independent housing units on the same lot as a standard sized residence with a kitchen, bathroom, and areas for living and sleeping. ADUs can be attached or detached from your primary residence, and can be either converted within an existing structure or new construction. (Evanston's Guide to ADUs)

## Efficiency Home Ordinance

Evanston City Council approved a Zoning Text Amendment to permit the establishment and regulation of efficiency homes in March of 2021. An "Efficiency Home" is a small residential building with a ground floor area of 500 square feet or less, containing not more than one dwelling unit entirely surrounded by open space on the same lot and permanently affixed to a foundation. A mobile home or recreational vehicle shall not be considered an efficiency home.

Fair Housing Protected Classes: The Cook County Human Rights Ordinance was expanded to include the following protected classes: source of income (2013), gender identity (2014) and criminal history (2019).

The ordinance prohibits people in Cook County (including employers, landlords, property managers, real estate agents, store and restaurant owners, bankers, lenders and Cook County government officials and employees) from unlawfully discriminating against or harassing other people on the basis of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, *source of income (including use of a Housing Choice Voucher)*, *housing status*, *gender identity*, or *criminal history*.

Note: The responsibilities of the Housing and Homelessness Commission have been divided between the Housing and Community Development Committee and the Social Services Committee.

## **Affordable Housing Snapshot**

What is affordable housing? Affordable housing is housing that costs no more than 30% of an individual's or a family's income, or housing that leaves you with enough to cover basic needs.

### **Population and Household Demographics**

Evanston is a city with a population of 75,603. There are 29,263 households in the city with an average household size of 2.34 persons. 45.09% of households in Evanston are renters.

The median gross income for households in Evanston is \$70,041 a year, or \$5,837 a month. The median rent for the city is \$1,200 a month.

Households who pay more than thirty percent of their gross income are considered to be rent burdened. Households who pay more than fifty percent of their gross income are considered to be extreme rent burdened. In Evanston, a household making less than \$4,000 a month would be considered rent burdened when renting an apartment at or above the median rent. More than 53% of households who rent, or 7,056 households, are rent burdened in Evanston.

## **Affordable Housing**

There are 11 low-income housing apartment communities offering 553 affordable apartments for rent in Evanston, Illinois.

Evanston features 467 income-based apartments. Tenants of income-based apartments typically pay no more than 30% of their income towards rent and utilities.

There are 60 rent subsidized apartments that do not provide direct rental assistance but remain affordable to low-income households in Evanston through the Low-Income Housing Tax Credits (LIHTC) or other government programs.

On average, Section 8 Housing Choice Vouchers pay Evanston landlords \$1,000 per month towards rent. The average voucher holder contributes \$400 towards rent in Evanston. The maximum amount a voucher would pay on behalf of a low-income tenant in Evanston for a two-bedroom apartment is between \$1,206 and \$1,474. There are currently 520 Housing Choice Voucher Program participants leased in Evanston.

## **What we learned from the literature review**

The reports, plans and articles spanning the last 13 years provided data; identification of the issues; observations concerning decision-making, government activity and process; progress and challenges; and many recommendations, most of which have not been enacted. What follows is a summary.

The December 2009 Plan for Affordable Housing recommended “that these principles guide staff, the Housing Commission, and the Planning and Development Committee of the City Council in the evaluation and design of affordable housing policies and programs.

1. Long-term affordability
2. Diversity
3. Integration
4. Preservation
5. Sustainability
6. Accessibility
7. Preference
8. Flexibility and responsiveness
9. Advocacy and education
10. Efficiency and effectiveness
11. Transparency and accountability”

Strategies proposed in the document include:

- Expand existing and establish new rental assistance programs in order to provide immediate, inexpensive assistance to low-income households.

- Encourage activities that use existing underutilized housing stock for affordable housing, primarily affordable rental housing.
- Continue the Down Payment Assistance Program for households with incomes under 100% of the AMI.
- Explore and support employer-assisted housing (EAH), an effective tool to build public-private partnerships in support of workforce housing.
- Elevate housing issues within City government.
- Build community support for affordable housing through outreach activities.
- Create an ad hoc committee of representatives from the Housing Commission, Plan Commission, Zoning Board of Appeals and Property Standards department to determine if changes should be made to existing ordinances and building regulations that would facilitate the provision of affordable housing throughout Evanston.
- Amend ordinance 12-0-86, which established the Housing Commission, to require that one alderman sit on the Commission.

The report also indicates that landlords willing to rent to low-income individuals and families are hard pressed to find an economic model that works.

One goal in the plan was to address the sense among members of the Housing Commission that their advice is neither sought nor welcomed by Planning & Development and that their recommendations are not communicated by staff to P&D.

The 2017 Affordable Housing White Paper states that 25% of all Evanston households are low-income, 9% moderate income, another 14% middle income and concluded that half of the people who live in Evanston pay too much for housing compared to what they earn, and sacrifice other things—food, medicine—so they can pay rent or mortgage/property taxes/insurance. This paper also offered a long list of recommendations, including:

- Revise occupancy standards to allow greater flexibility in home sharing.
- The City's Inclusionary Housing Ordinance should be regularly evaluated and updated to better accomplish the goal of developing on-site units while considering the regularly shifting market. Evaluate the need for a middle-income tier in Inclusionary Housing Ordinance and examine a potential increase in the IHO fees-in-lieu. Develop an impact fee on development not covered by the IHO, including 1 to 4-unit residential, residential additions, as well as retail and commercial projects.
- Market the benefits of the City's centralized waitlist and income qualifications managed by Community Partners for Affordable Housing that reduce the developer's compliance burden.
- Explore programs with local banks that are members of the Federal Home Loan Bank to re-start homebuyer programs, as well as employer-assisted programs.

Include development of middle-income homeownership opportunities as eligible acquisition/rehab projects funded by the Affordable Housing Fund.

- Continue to maintain long-term affordability of ownership housing through land trusts that retain ownership of the land but sell residential buildings on the land.
- Offer financial literacy and tenant education programs that include the rights and responsibilities of landlords and tenants.
- Consider unlimited subsidies for very low-income seniors, persons with disabilities, and the chronically homeless.
- Provide gap funding for projects with primary funding from the Illinois Housing Development Authority (IHDA), Cook County and the Community Investment Corporation (CIC).
- Use External sources for affordable housing development such as the Low-Income Housing Trust Credit (LIHTC), Regional Housing Initiative (RHI) and Statewide Referral Network (SRN) through the Illinois Housing Development Authority (IHDA)
- Pilot a Landlord Mitigation Fund that functions as an insurance fund to incentivize landlords to accept low-income and subsidized tenants, and/or tenants with a poor rental history or criminal record.
- Explore a rehab program for Evanston landlords that rent to households with rent subsidies and/or poor rent history/criminal record

The White Paper also includes the sub-market concept, noting that high-income sections of Evanston either have large more expensive houses or apartments with access to transit, also noting that even owners—especially seniors—are cost-burdened, spending more than 30% of their income on housing.

The 2016 Age Friendly Task Force report, “Toward Building a Livable Community for All Ages – Evanston Action Plan” states that housing cost and availability is the top issue interfering with Evanston’s age-friendliness, along with transportation gaps. Twenty percent of Evanston residents were over age 65 eight years ago and their share of the population continues to grow.

This plan includes the following familiar housing-related recommendations, also seen in other reports and plans, and most of which have not been implemented:

- Expand Affordable Housing through Community Land Trust
- Expand Shared Housing Opportunities
- Expand Opportunities for Subsidized Assisted Living

The Analysis of Impediments to Fair Housing (2016) identifies the following issues, and these issues persist throughout the literature:

- Gaps in strategy to meet the needs of growing limited English-speaking population
- Growing mismatch between incomes and housing costs

- Difficulties for people with disabilities in accessing decent, affordable, suitable housing
- Persistence of housing discrimination
- Barriers to the formation of non-traditional households
- Concentration of voucher holders in racially concentrated areas of poverty
- Potential for political influence in the siting and approval of affordable housing development
- Lack of transit connections to suburban employment centers
- Improvements needed in some policy documents
- Need for more representative boards and commissions
- Fair housing issues with the nuisance premises ordinance
- Patterns of disparity in private lending

The League of Women Voters of Cook County issued “Findings and Recommendations on Affordable Housing and Residential Desegregation” in October 2019. An interest group was created to answer the question, “What can Cook County government do to promote affordable rental housing for families with children while reducing segregation?” To investigate the question, they interviewed nearly three dozen people including government officials and housing industry professionals and reviewed studies and reports by local policy organizations, academic institutions and municipalities, as well as plans created by County agencies. Among their findings:

Segregation persists in suburban Cook County as a result of entrenched policies. As the Metropolitan Planning Council (MPC) explains, “Majority white, affluent areas often enact policies that hinder the availability of economic mobility options, such as zoning laws that limit multi-family rental housing or smaller homes that might be more affordable. In addition to low-density zoning and prohibition of rentals or apartment buildings, other obstacles to racial integration of the suburbs include neighborhood opposition (known by its acronym, NIMBY, meaning “not in my back yard”) and unlawful but still prevalent landlord discrimination against families with vouchers.”

Only municipalities can eliminate the primary obstacles to creation of affordable housing in their jurisdictions, namely single-family zoning, time-consuming approval processes, excessively rigorous building codes, and inconsistency in building requirements between municipalities.

The report recommended a system of incentives to encourage constituent suburbs to accept Local Technical Assistance from CMAP and the Illinois Housing Development Authority (IHDA) to expand housing choice, including review of zoning and building codes and development and implementation of the plans required by the state’s affordable housing statute.

Also recommended that in its planning, the Cook County Board should encourage Cook County Health, which serves over 300,000 people annually, to expand its collaborative

efforts to facilitate the provision of affordable housing to its workers and to patients who use its facilities most frequently. [This recommendation could be applicable for municipalities and their local health systems.]

Cook County and the Housing Authority of Cook County (HACC) should foster stability in already-integrated areas by collaborating with private funders to provide pro-integrative home-loan and insurance-purchase programs such as Home Value or Home Equity Protection, which locks in current home values for the next 10 years, protecting concerned owners against any decline they fear will be caused by integration.

Note: The Evanston League Board of Directors voted at their January 2020 meeting to adopt the findings and recommendations in the report as the basis for ongoing League activities on affordable housing and the report was distributed to Evanston elected officials and appropriate city staff.

Joining Forces for Affordable Housing conducted a review of Evanston zoning codes. The report begins with a statement that “communities should ... overhaul their municipal codes to accomplish the following:

- Eliminate elements in the Code that make it more difficult and more expensive to create and sustain affordable housing
- Eliminate elements in the Code that perpetuate segregation, lack of housing choice, and economic, health, and political inequity based on race”

Recommendations include:

- Re-define the purpose of the City Code to include establishing and sustaining equity and livability in the City for all residents.
- Structure the Zoning and Building Code to support the goals of the City’s Affordable Housing Plan.
- Eliminate single-family-only and single-use-only zoning to allow for more flexibility, which in turn can allow for more affordability and less segregation.
- Scrub the City Code of ordinances that dictate how people can live and with whom.
- Reduce restrictions that limit the ability to use land and buildings in creative and impactful ways to create more affordability.
- Developers should be required to respond to Evanston’s goal to create affordable housing with proposals that include substantial and meaningful affordability.
- The City Code must provide incentives and allowances that make developments with built-in affordability feasible.
- Changes to the building code should be evaluated to allow for less expensive standards for construction.

Connections for the Homeless is working with a consulting firm to develop a report on how the city’s zoning code impacts equitable housing efforts in the community. Among

comments in the preliminary report from the consulting firm, Cincinnati, Ohio, based ZoneCo, are the following.

## Policy

Noted: Inclusionary housing bonuses do not include very-low and extremely-low-income residents; equity and equitable outcomes are not mentioned within the purpose statements, public benefit statements, or anywhere in the code; concern that a goal of lessening congestion can be used selectively and in discriminatory ways; and there are multiple instances where maintenance of “character” is a stated policy goal, a term that could be used to reinforce or enforce exclusionary dynamics.

## Procedures

Noted: One provision allows a minority of adjacent property owners to trigger an additional obstacle to an amendment; the review purview of the Design and Project Review (DAPR) Board is overly broad; and neither the Planning Commission nor the Zoning Board of appeals must have a housing or equity professional on either Board.

## Development Standards

### Residential Zones and Residential Uses

Noted: The City’s housing goals are not represented within the policy goals for the R districts; zoning codes sometimes mandate land utilization that is economically inefficient and where this occurs, those inefficiencies will be more easily borne by residents with higher incomes, which has an inherently exclusionary or segregationist effect on housing; and the term “family” throughout the code. It is reasonable for a municipality to implement regulations that guard against overcrowding or unsafe conditions, but mandating familial structures is an inherently flawed and discriminatory way to regulate these things.

### Planned Developments (PD) in Residential Districts

Noted: A PD is intended to be a tool that provides flexibility in land use that complements the zoning code, but several restrictions are antithetical to the goal of utilizing the PD flexibly to meeting planning objectives.

The article “Missing Middle Housing: Responding to the Demand for Walkable Urban Living” provided some good research-based reasoning behind the need to re-think how we zone:

Missing Middle housing types, such as duplexes, fourplexes, bungalow courts, mansion apartments and live-work units, are a critical part of the solution and should be a part of every architect’s, planner’s, real estate agent’s, and developer’s arsenal.

They are classified as “missing” because very few of these housing types have been built since the early 1940s due to regulatory constraints, the shift to auto-dependent patterns of development, and the incentivization of single-family home ownership.

The starting point for Missing Middle Housing needs to be smaller-unit sizes; the challenge is to create small spaces that are well designed, comfortable, and usable.

From Part 1 and Part 2 of the article “A New Vision for Fair Housing in the Real Estate Industry”: “... there is now substantial momentum built into the system, so that disrupting residential segregation will require a broader array of tools than merely stopping discrimination (though we obviously need to do that too).”

“As we think about how the real estate industry can help work to disrupt the cycle of segregation, we need to keep two features of the housing search in mind: (1) searchers rely on incomplete information about their options and use shortcuts to decide where to look; and (2) social factors shape what people know – or think they know – about their housing options.”

“From the 1930s – 1960s, the legal system baked racial segregation into our cities through explicit laws, policies, and practices (restrictive covenants, redlining, zoning, blockbusting, public housing siting, etc.). These laws and practices confined people by race geographically and mentally, creating many of the social networks and lived experiences impacting our housing searches today. They also fueled negative images of what it looked like to live in or near people of color and fostered stereotypes about things like crime and housing values that remain today.”

“Much of the way we have enforced Fair Housing in this county has focused on stopping bad practices like steering. We have not, until recently, focused much on how we can proactively promote fair housing. The courts recognize that the Fair Housing Act has two purposes – eliminating discrimination and promoting integration. But the law on promoting integration has been slow to develop.”

Recommendations:

- Revisit Fair Housing Education for Real Estate Agents
- Expand Real Estate Agent Education about Integrated Neighborhoods in Particular  
“Agents should be trained to help clients challenge the assumptions and biased information they bring with them about neighborhoods”
- Reconsider Real Estate Office Locations, Staffing Practices, and Operations
- Allow Agents to Promote Integrated Communities – Break the Cone of Silence
- Incentivize Real Estate Agents to Implement and Practice Pro-Integration Strategies

“What would happen if we educated real estate agents about the racial history of the industry, allowed agents to talk about fair housing, and respond meaningfully

to home seekers requesting information on housing opportunities, to help them expand their understanding of their choices in the housing market?”

Note: The same recommendations apply to rental agents.

And from “The ‘New Redlining’ Is Deciding Who Lives in Your Neighborhood” (NYTimes):

“...it is so significant that President Biden has proposed, as part of his American Jobs Act, a \$5 billion race-to-the-top competitive grants program to spur jurisdictions to “eliminate exclusionary zoning and harmful land use policies.”

Economists from across the political spectrum agree that zoning laws that ban anything but single-family homes artificially drive up prices by limiting the supply of housing that can be built in a region. At a time when the Covid-19 pandemic has left many Americans jobless and people are struggling to make rent or pay their mortgages, it is incomprehensible that ubiquitous government zoning policies would be permitted to make the housing affordability crisis worse by driving prices unnaturally higher.

Likewise, there is widespread agreement that laws banning the construction of multifamily housing promote damage to the planet.

... as the planet heats up, it is bizarre that government would explicitly prohibit construction of the most environmentally friendly options.

Another set of policies would require states, cities and counties receiving existing federal funding for public infrastructure and housing to develop strategies to reduce exclusionary zoning.

But Mr. Biden should go even further and create what is known as a private right of action — comparable to the one found in the 1968 Fair Housing Act — to allow victims of economically discriminatory government zoning policies to sue in federal court, just as victims of racial discrimination currently can. [as examples of the direction that attitudes around zoning are going]

## Interview Takeaways

Challenges expressed by interviewees:

- Losing the middle class
- Zoning restrictions; variances needed for almost everything; zoning codes, covenants, subdivision regulations were designed to exclude: “We tried to ... become suburban, and that’s not going to work in terms of affordability.”
- Building codes esp. sprinkler requirements are overly strict
- City ignores commissions, committees; staff recommendations often ignored by City Council
- Not enough resources, availability of funds
- Racial divisions are tremendous; NIMBYism persists
- Makeup of relevant committees and commissions not diverse and committees and commissions have difficulty with decision-making process
- Reactionary rather than proactive
- Pieces don’t work together – zoning, building, housing; lots of silos
- City doesn’t enforce the rules it makes
- Voices heard are often only those in opposition— preconceived notions that affordable housing is junky housing that will bring crime.
- Insistence on preserving “character” of the community which is used to exclude.

Suggestions offered by Interviewees:

- Toolbox of options: increase density, more permanent supportive housing to address homelessness, rental subsidies especially in opportunity areas, require more affordable units in new developments especially larger units for families; not 100% affordable in any one development, more subsidies to small landlords vs. behemoths
- City should work with developers as partners; support small landlords (tax incentives, low interest rehab and improvement loans, etc.)
- More flexibility in how people are able to use their properties, accept “other types of households”; accommodate more ideas of how people want to live
- Complete a new Comprehensive plan
- Stated goals should include establishing and sustaining equity and livability
- Structure zoning and building codes to support the goals of the City’s Comprehensive Plan.
- Rationalize zoning code, e.g., how someone can build a single-family home and an Accessory Dwelling Unit but not a two-flat
- Develop parking requirements based on real need
- Increase education initiatives for tenant, landlords and homebuyers
- Increase enforcement and hold people accountable
- Make equity a priority
- Encourage more advocacy, more supportive voices

## Literature Review Resources

### Evanston reports and documents:

2009 Plan for Affordable Housing

2015-2019 Consolidated Plan

Affordable Housing White Paper, October 2017

Tenant Landlord Ordinance

Age Friendly Report and Action Plan, 2016

Analysis of Impediments to Fair Housing, 2014

### Other reports

Findings and Recommendations on Affordable Housing and Residential Desegregation, 2019, LWV of Cook County; adopted by the LWV Evanston, January 2020

Zoning Review and Recommendations, Joining Forces for Affordable Housing (JFAH), 2020

2020 Census

Preliminary Summary Consultant Report on how the city's zoning code impacts equitable housing efforts, ZoneCo, 2021

### Articles

"Missing Middle Housing, Responding to the Demand for Walkable Urban Living"

"How the Housing Search Process Perpetuates Segregation" and "Actionable Fair Housing Strategy for Real Estate Agencies", by Allison K Bethel and Maria Krysan, appearing in Poverty Race Research Action Council (PRRAC), Sept. 2021

Eye on Evanston: Thoughts on Design/ Why Do We Need ADUs? Evanston RoundTable, Dec. 2021

Licenses for Landlords? City seeks to get tough on rental problems" Evanston RoundTable, Nov. 2021

"How can Evanston add affordable housing? Housing and Community Development Committee discusses options", Evanston RoundTable, Oct. 2021

"Large new rental projects drove decade's population growth", Evanston Now, Aug. 2021

## **Interviewees:**

### Evanston City Staff

Johanna Nyden, Director, Community Development Department

Meagan Jones, Neighborhood & Landuse Planner, Community Development/ Planning and Zoning

Sarah Flax, Director, Housing/ Grant Management/ Community Development

Angelique Schnur, Senior Property Maintenance Inspector, Community Development/ Property Standards

### Fair Housing Organizations and Service Providers

Christopher Riehlmann, Director of Fair Housing, Open Communities

John Bartlett, Executive Director, Metropolitan Tenants Organization

### Developers

Rob Anthony, President, Community Partners for Affordable Housing (CPAH)

Richard Koenig, Executive Director, Housing Opportunity Development Corporation

David Block – Director of Development, Evergreen Real Estate Group

### Small Landlord

Carliss Sutton, Property Owner

### Additional

Jocelyn Gibson – Senior Consultant, City Planner, ZoneCo

Tony Kirchmeier, Assistant Dean of Students and Director of Off-Campus Life, Northwestern University

Betty Bogg, Executive Director, Connections for the Homeless