



# Office of the City Clerk

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## Legislation Text

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File #: R2021-443, Version: 1

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Committee on Housing and Real Estate  
April 21, 2021 City Council Meeting

### Resolution **To Call a Hearing on Fair Housing Reform**

WHEREAS, the City of Chicago ("the City") is a home rule unit of local government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and it has certain powers to regulate for the protection of the public health, safety, morals and welfare; and,

WHEREAS, the prevailing literature and court cases regarding land use law within the USA and Illinois recognize the ability of a home rule municipality to issue ordinances pertaining to the zoning of properties for exclusionary (use, bulk, density, etc.) and inclusionary (affordable housing) purposes; and,

WHEREAS, the goal of creating of affordable housing units is a recognized matter of regulating for the protection of public health, safety, morals and welfare; and,

WHEREAS, in September 2020, the Department of Housing (DOH) issued an Inclusionary Housing Task Force Staff Report, in which the City recognized an affordable housing shortage of nearly 120,000 units; and,

WHEREAS, in 2018, the Chicago Area Fair Housing Alliance ("CAFHA") and Sargent Shriver National Center on Poverty Law ("Shriver Center") issued "A City Fragmented: How Race, Power, and Aldermanic prerogative Shape Chicago's Neighborhoods", establishing the manner in which Aldermanic prerogative and related zoning practices perpetuated practices of segregation and exacerbated shortages of affordable housing in the City; and,

WHEREAS, CAFHA and Shriver Center demonstrated the segregated outcomes from historical siting practices of public housing and other forms of subsidized affordable housing or income-limited affordable housing, and also demonstrated failures to implement integrated public housing units following *Gautreaux et al. v. Romney* (1966); and,

WHEREAS, the Office of the Inspector General found similar evidence in their "DPD Affordable Requirements Ordinance Administration Audit," noting that individual aldermen "exert influence on the question of whether to bring ARO and Density Bonus fee-funded development into their wards, or, alternatively, to keep such developments out", and therefore recommended that DPD develop defined goals relating to the geographic distribution of affordable housing (OIG File #15-0523, page 13); and,

WHEREAS, an official with the U.S. Department of Housing and Urban Development requested that

the Department of Justice (DOJ) investigate Chicago's zoning and land

use practices, because they believe "that the investigation will reveal fair housing issues involving DOJ's zoning and land use authority" (Chicago Sun-Times, January 29, 2021); and,

WHEREAS, the DOH Inclusionary Housing Task Force Staff Report demonstrates that the majority of Multi-Family assistance housing units constructed since 1993 are sited in the City's West and Southeast communities (15,475 total units), compared to 5,889 Multi-Family assistance housing units constructed in North and Northwest communities during the same time (Figure 4.1); and,

WHEREAS, DOH issued the 2021 Qualified Allocation Plan for Low Income Housing Tax Credit policy, and issued a Racial Equity Impact Assessment in conjunction with the QAP to assess historical LIHTC policy practices and outcomes, and as a part of that process demonstrated the segregated siting of LIHTC affordable housing units across the City by race and ethnic background (Figures 1 through 3, Draft report as publicly available April 2021); and,

WHEREAS, the City of Chicago issued an Equitable Transit Oriented Development Policy Plan (September 2020), envisioning "a Chicago that no longer concentrates poverty and racially segregates people from socio-economic opportunity; where structural racism is no longer manifested in city policies, programs or investments; and where a person's race or zip code no longer determine their health outcomes, potential to build wealth, or access to opportunity"; and,

WHEREAS, the City is embarking on a three year comprehensive planning effort that recognized equity and resiliency as goals, and the Department of Planning and Development found that over the past 50 years, Chicago has evolved as a City with huge disparities in the amount of growth and investment in our communities, and presented research demonstrating the spatial segregation of income inequality (cf. "We Will" presentation, March 2021 Plan Commission); and,

WHEREAS, the City of Chicago released a Blueprint for Fair Housing, which includes goals to increase and preserve affordable, accessible housing options, and to address the segregation of opportunity and related inequitable distribution of resources, among other goals (Press Release: Blueprint for Fair Housing); and,

WHEREAS, President Joe Biden released The American Jobs plan, which is an expansive infrastructure proposal that includes funding to address the affordable housing crisis, including more than one million affordable rental opportunities, and proposes to eliminate exclusionary zoning and harmful land use policies that have locked families out of areas with more opportunities (Fact Sheet: The American Jobs Plan); and,

WHEREAS, the City Council can implement a citywide plan for uniform, comprehensive, and equitable zoning review of affordable housing through its allocation of Tax Increment Financing proceeds, Low Income Housing Tax Credits, affordable housing

bonds, and other financial incentives for affordable housing, and by implementing inclusionary housing ordinances and zoning code amendments; and,

WHEREAS, the City will better achieve Federal fair housing goals and affordable housing goals by implementing a uniform, comprehensive, and equitable community review policy for affordable housing development.

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

The City Council Committee on Housing and Real Estate shall convene a hearing on fair housing reform. The hearing shall include the Department of Planning and Development, the Department of Housing, and the Chicago Housing Authority, as well as fair housing professionals, urban planning professionals, and other community housing experts and representatives, to discuss the impediments to fair siting of affordable housing in the City of Chicago, and to outline a comprehensive, uniform, and equitable zoning process for siting affordable housing to achieve racially integrated housing.

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