



Legislation Text

File #: 20-228, **Version:** 2

ACTION REQUESTED:

Communication from the City Manager and Corporation Counsel with a Request to ADOPT an ORDINANCE Amending CHAPTER 20 (Chronic Nuisance Property), CHAPTER 17 (Fair Housing Commission) and CHAPTER 5 (Buildings and Building Regulations) of the CODE of the City of Peoria, as Part of Its Litigation Settlement with Hope Fair Housing.

BACKGROUND: In 2017, Hope Fair Housing Center ("Hope") filed a Complaint against the City alleging housing discrimination on the basis of race and sex in violation of the Fair Housing Act (42 U.S.C. § 3601 et. seq.) and the Illinois Civil Rights Act of 2003 (740 ILCS 23/5 et. seq.). The City denies any wrongdoing in this matter. Negotiations resulted in a settlement that eliminated the need for any additional litigation expenses, expert fees or trial costs. On August 25, 2020, the Council approved a settlement with Hope with the following terms:

1. The City will pay Hope Fair Housing the sum of \$25,000. Hope will use the funds to develop education and outreach material for Peoria tenants about their rights under the City's nuisance ordinance. The materials will be available in Spanish, be made available electronically and posted on Hope's website. The funds will also be used to support Hope's collaboration with Prairie State Legal Services for tenants needing assistance related to the Nuisance Ordinance or other fair housing laws.
2. The City will earmark \$15,000 for its Re-Housing Funds to assist tenants who are displaced from their residences due to no fault of their own and by inaction from their landlords.
3. The City will amend its Nuisance Ordinance consistent with terms agreed upon with Hope.
4. The City will enact policies at the Peoria Police Department detailing the enforcement of the Nuisance Ordinance consistent with the terms agreed upon with Hope.
5. The court will retain jurisdiction over the settlement for a five year period.

The attached changes to the Ordinances were negotiated with Hope Fair Housing. They have been reviewed by Code Enforcement and the Police Department. The Ordinance changes can be summarized as follows:

- a. Clarifies that domestic violence or sexual assault cannot be used as a basis for action against the tenant if the tenant was a victim.
- b. Clarifies that, in some circumstances, the City cannot use offenses that have not yet been proven as a basis for a chronic nuisance (i.e. noise complaints).
- c. Nuisance letters will be reviewed and approved by legal before being issued.
- d. Tenants will be issued a copy of the nuisance letter.
- e. Provides that tenants are protected from retaliation from the landlords if they contact police for assistance or cooperate with administrative proceedings.
- f. Adds a private right of action for a tenant who has been retaliated against.
- g. The Fair Housing Commission will conduct an annual review of the ordinance and enforcement statistics and make recommendations to the City Manager and Council based on the data.

FINANCIAL IMPACT: \$40,000.

NEIGHBORHOOD CONCERNS: None.

IMPACT IF APPROVED: All litigation will be resolved.

IMPACT IF DENIED: Litigation will continue, additional legal fees will be incurred.

ALTERNATIVES: N/A

EEO CERTIFICATION NUMBER: N/A

WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2017 - 2032 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?

1. Not applicable.

WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?

1. Not applicable.

DEPARTMENT: Legal