

RESOLUTION

WHEREAS, according to the Illinois Department of Human Rights' 2023 report entitled "Fair Housing Implications of Nuisance and Crime-Free Ordinances: A Guide for Units of Local Government" (IDHR Report), "crime-free" housing programs are formal partnerships between cities and housing providers that often require housing providers to evict tenants who are deemed connected to crimes; and

WHEREAS, the IDHR Report goes on to note that these crime-free ordinances often require housing providers to deny housing to, evict, fine, or penalize tenants for their connection to specific crimes or just "criminal activity" in general, and are often broadly written to prohibit activities such as the act of an arrest or simple calls for police service; and

WHEREAS, according to the ACLU of Illinois, these ordinances have been broadly written to apply even when the tenant was the victim of the crime or called the police for protection or assistance; and

WHEREAS, Illinois Public Media reports that these types of ordinances can allow for the eviction of tenants even when the suspected criminal activity and/or calls for police service pertain to a guest of the tenant(s); and

WHEREAS, the IDHR Report explains that crime-free housing programs often require landlords to evict tenants, utilize strict lease addendums, and conduct criminal background checks on tenants, even when these actions conflict with local human rights ordinances or other fair housing protections; and

WHEREAS, though these ordinances are often passed with the expressed intention of deterring criminal activity on rental properties, the ACLU of Illinois reports these ordinances are disproportionately enforced against Black people and other people of color, and that they harm survivors of domestic and sexual violence who seek police protection, individuals with disabilities, and others who need emergency services; and

WHEREAS, the IDHR Report explains that by using the simple act of police contact as a trigger for evictions or other penalties against tenants, these ordinances can introduce the biases of the criminal justice system into the housing market and run the risk of furthering segregation and undermining fair housing responsibilities; and

WHEREAS, the IDHR Report further notes that latent segregated housing patterns often facilitate over-policing so that communities of color are more likely to have repeated interactions with police; and

WHEREAS, the IDHR Report additionally highlights that a higher percentage of racial minorities in Illinois are renters compared to white residents, and as such nuisance and crime-free ordinances may have an unlawful disparate impact; and

WHEREAS, the ACLU of Illinois also reports legal problems with these types of ordinances in that they may violate a number of legal protections including due process guarantees, federal and state prohibitions against housing discrimination, and the First Amendment right to petition the government; and

WHEREAS, the Shriver Center on Poverty Law's 2013 report entitled "The Cost of Being Crime Free" (Shriver Center Report) further details how these ordinances can deprive tenants of due process guaranteed by the Fourteenth Amendment to the U.S. Constitution when municipalities undertake enforcement efforts that expose a tenant to the threat of being displaced from their housing without first giving the tenant notice and an opportunity to dispute the validity of these efforts; and

WHEREAS, according to the Shriver Center Report, more than 100 municipalities in the state of Illinois alone have adopted some version of these types of ordinances, with that number expected to increase; and

WHEREAS, though Illinois enacted Public Act 99-441 (Illinois Counties and Municipal Codes), which prohibits the enforcement of these types of "crime-free" ordinances in situations where police are called relating to issues of domestic and sexual violence or disability, the IDHR Report notes that these types of ordinances run the risk of further discouraging victims of domestic violence from contacting the police in fear of losing their housing; and

WHEREAS, in a 2016 guidance report, the U.S. Department of Housing and Urban Development analyzed the adverse impact that crime-free programs have on survivors of domestic violence and found that incidents of domestic and sexual violence have been considered a nuisance or considered a violation of a crime-free program, making survivors hesitant to contact police or emergency assistance, at risk of eviction, and ultimately displaced from communities; and

WHEREAS, the Shriver Center Report further explains that by linking law enforcement's activity at a property with the possibility of eviction of the tenants and/or penalties against the landlord, ordinances can actually deter tenants, landlords, and concerned citizens from reaching out to the police for help and/or coming to the aid of crime victims—which only serves to undermine crime reporting and public safety; and


WHEREAS, per its Equity Statement of Principles, the City of Chicago remains dedicated to equity and fairness in governance—in all its forms—to strengthen and serve our communities to the best of our abilities; and


WHEREAS, Illinois SB 3680, HB 5314, HB 5432, or The Community Safety Through Stable Homes Act, embodies this mission towards equity across the state by amending the Counties Code and the Illinois Municipal Code to prohibit local governments from requiring landlords to evict a tenant for having contact with police, a criminal conviction, or if another person in the household or guest had contact with police; now, therefore,


BE IT RESOLVED, that the Chicago City Council does hereby declare its support for the Illinois Legislature to pass SB 3680, HB 5314, and HB 5432, or The Community Safety Through Stable Homes Act; and

BE IT FURTHER RESOLVED, that suitable copies of this resolution be presented to the Governor of Illinois, the Illinois Senate President and Minority Leader, the Illinois House Speaker and Minority Leader, and to the members of the Illinois Housing Committee, Rules Committee, and Assignments Committee.




Matthew J. Martin
Alderman, 47th Ward


Daniel La Spata
Alderman, 1st Ward


Maria Hadden
Alderwoman, 49th Ward