



AGENDA
Human Relations Commission Meeting

November 10, 2020

6:30 p.m.

DeKalb Police Department
700 W. Lincoln Highway
2nd Floor Training Room
DeKalb, Illinois 60115

COVID-19 Notice: This meeting will be conducted in-person with a physically present quorum and open to the public. The corporate authorities of the City of DeKalb intend to conduct this meeting in compliance with all applicable social distancing and public health requirements. All persons attending this meeting in-person shall be required to wear protective face masks/coverings. Furthermore, the corporate authorities of the City of DeKalb intend to conduct this meeting pursuant to Illinois Governor JB Pritzker's Executive Order 2020-62 dated October 23, 2020 (the "Executive Order"), which prohibits gatherings of more than 10 people, unless the City of DeKalb determines that it is necessary to invoke the Governmental Functions exemption contained in Section 4(c) of Executive Order 2020-43 "to ensure the operation of government agencies or to provide for or support the health, safety and welfare of the public." Persons who are unable to attend the meeting in person but wish to comment on an item listed on this agenda may email their comments to Executive Assistant Ruth Scott at ruth.scott@cityofdekalb.com no later than 12:00 p.m. the day of the meeting. Comments will be disseminated to the HRC members prior to the start of the meeting.

Join Zoom Meeting: <https://us02web.zoom.us/j/87486685959?pwd=TDROQVZvZ1dob1Bhb2QwbjhlbUxkdz09>

Meeting ID: 874 8668 5959

Passcode: 408954

One Tap Mobile: +13126266799,,87486685959#,,,,,0#,,408954# US (Chicago)

- A. Roll Call
- B. Appointment of Meeting Secretary
- C. Approval of Agenda - Additions/Deletions
- D. Approval of Minutes - October 6, 2020 Regular Meeting
- E. Public Participation
- F. Old Business
 - 1. Landlord-Tenant Review
 - i. NIU Law School Intern Contact
 - ii. Municipal Code, Ch. 10, Landlord-Tenant Regulations
 - 2. Police-Community Relations – City Manager
 - 3. *Belonging*, October 22, 2020 Virtual Meeting, Review
- G. New Business
- H. Adjournment

**Minutes
City of DeKalb
Human Relations Commission
October 6, 2020**

The Human Relations Committee (HRC) held a regular meeting on October 6, 2020, in the Second Floor Training Room at the DeKalb Police Department.

A. Roll Call

The following members of the HRC were present: Larry Apperson (Chair), John Walker, Norden Gilbert, Nadine Franklin, Lisa King, and Joe Gastiger. No members were absent.

Other City officials/staff present: City Manager Bill Nicklas, Information Technology Department Jeremy Alexander, and Management Analyst Jason Blumenthal.

B. Approval of Agenda – Additions/Deletions

Motion to approve the agenda was made by Mr. Gastiger and seconded by Ms. King with the addition of the November meeting date as item two under New Business due to the Presidential election. The Agenda was approved by a unanimous voice vote

C. Approval of Minutes – September 8, 2020 Regular Meeting

Motion to approve the minutes of September 8, 2020 was made by Mr. Gastiger and seconded by Mr. Walker with a correction to Mr. Gilbert's name. Minutes were approved by a unanimous voice vote.

D. Public Participation

There was no public participation.

E. Old Business

1. Landlord-Tenant Review Update

Municipal Code, Ch.10, Landlord-Tenant Regulations

Chair Apperson stated that he took a few days to gather all information in relation to housing that the commission has worked on. He said this was for the benefit for all new members, and these documents consisted of the Landlord-Tenant Proclamation, DeKalb Tenant Association goals, City of Evanston model common lease, and Ch.10, Landlord-Tenant Regulations of the City of DeKalb's municipal code. He continued to say that he has reviewed the Landlord-Tenant Regulations and there are many aspects that need to be changed. He said they would look at this together and hopefully put forward a plan to specific items they think should be changed. Chair Apperson concluded by saying City Manager Bill Nicklas would present the Crime Free Housing Review.

Crime Free Housing Review

City Manager Bill Nicklas started speaking on the document he had submitted in the Agenda. He stated there are three parts to this review, the attorney's notes when they initially brought up this issue, a more focused look at the initial attorney's notes, and a

chosen model lease and crime free lease which is the lease the City Council adopted in 2012.

Mr. Nicklas stated that a few months back there was a significant fire at 808 Ridge Dr. and he addressed the council on how they should enforce better landlord responsibility. The Council reviewed this for many weeks to find resolutions. There was data collected of ambulance, fire, and police calls that showed that approximately 85% of calls originated from the neighborhood block of Ridgebrook. From here they looked further into the nature of the police calls and saw that in many cases they have been caused by landlords who have not kept their properties in good conditions for their tenants and in addition have accumulated hundreds of thousands of dollars of fines in property maintenance issues. In response to this the City Council has passed criminal housing management in attempts to hold specific landlords liable, but they are not appearing in court. So far there has been no way to figure out how to have specific landlords enforce the crime free housing lease which is the source of most of the crime in our community. It has also been difficult to convince the State Attorney's office that the City is at the level where this landlord is showing criminal intent.

Chair Apperson recalled from previous discussions that a Tenant could call the City saying that there are problems with the property. Mr. Nicklas said yes that the tenant can call and let the City know and an inspector can come out and let them inside the building, but they are not allowed to enter the building on their own. The inspectors are very diligent about writing up violations as quickly as they occur so they can try to keep the landlord accountable for property maintenance. This happens on a weekly basis, and we try to take it to administrative hearings which ultimately, they prolong the process of paying the fines and it continues to be extended. They have tried to offer for the City to buy some of their properties, but the City does not have the money in the budget. There are some non-profits towards Chicago who do maintain properties at a reasonable rent that the City has been considering. But for this to work, the City needs to obtain ownership of these problem properties.

Chair Apperson clarified that by having crime free lease in Ch.10 of the municipal code, this means that landlords are required to include crime free housing in their lease. Mr. Nicklas confirmed this, but it is not as easy as it sounds because there are other issues with landlords besides the lease issue that is currently at the administrative hearing level. Management Analyst Jason Blumenthal confirmed stating that currently the legal team is more concerned with the safety of the properties including providing tenants a property where it is healthy to live. Mr. Blumenthal finished by saying that the lease violation is still something they are looking at, but the health violations are their main priority at the moment.

Mr. Walker asked at what point can action really occur if this is just a continuous cycle of no real results. Mr. Gastiger stated that at one point the committee spoke about recommending that landlords needed to obtain licenses to rent out properties in DeKalb. This landlord is oppressing low income residents living in this area, and the licensing could be a good way to regulate this. He knows the DeKalb Area Realtors Association has (DARA) pushed back on tightening on property enforcement, but there needs to be some way to keep landlords more accountable. Mr. Nicklas agreed that he said there are two factors contributing here, there is the DeKalb Tenants Association (DTA), which is active, but they are worried by possible retaliation by landlords. Tenants withholding rent from these trouble landlords during the fire that happened hurt them, and they started working with the City more to open the properties back up which was a good sign. The second

piece is about the licensing, DARA is against it because this group perceived the tightening of code enforcement a punishment to good landlords. Mr. Nicklas thinks licensing of landlords is a good idea because if the landlord is not living up to their responsibility, their license can be revoked just like a tavern. There needs to be more conversation with DARA what the City specifically will revoke a license for which is only for extreme non-compliance of property maintenance. Mr. Gastiger noted that this is what he would like to see happen.

Chair Apperson said that the DTA would like to add into Ch.10 of the Municipal Code a provision to withhold rent if there are certain conditions that are not met by the landlord. This also ties into the right to repair act which is in Illinois State law which states that a tenant can call a trades person to fix an appliance, and then the bill is sent to the property manager. Mr. Blumenthal stated that tenants can already do that, but he thinks that is more of an education aspect that more tenants need to be educated on that law. Chair Apperson then said that this state law should be entered into Ch.10 of the municipal code so tenants are aware of the law. Mr. Gastiger said that this is a fine sentiment, but that this has been an ongoing thing with certain landlords and what would be more empowering to tenants is if there was a class action lawsuit. He continued saying that this is not a problem of an individual, but a problem of many, and more voices would be more impactful than one voice. Chair Apperson said this is why the leader of the DTA would like to see some provision in the municipal code that would give more power to the tenants to deal with these issues. Mr. Blumenthal gave his opinion saying that the tenants would have more power pursuing a State class action lawsuit compared through a city ordinance. He was not recommending this; he was just giving his opinion on the matter. Mr. Nicklas also said that the state law is referenced in the municipal code and that the DTA should have a meeting where this information is given to tenants. Mr. Gilbert said he likes the idea of empowering tenants, but he thinks the real issue is education he wondered if the student's legal association offices at Northern Illinois University could be helpful in this situation. He also said he had gone through the ordinance several times and he thinks the entire ordinance should be thrown out and rewritten and maybe Evanston's model lease could be a good model to start over with. He said that Ch.10 is not particularly tenant friendly, the crime aspect doesn't help with tenants that much. He also said the former attorney has mentioned that much of the provisions of the ordinance are not enforced because the City does not have the ability to enforce it. He does not think the current ordinance is effective.

Chair Apperson said his response to what Mr. Gilbert had said is that there still needs to be provision in the ordinance that gives more power to the Tenant, which Mr. Gilbert agreed with. Mr. Nicklas also agreed with this and he said then that means we need some way to give agency to the tenant. Mr. Nicklas said a few weeks ago he had talked to DARA about the model lease and they were set against it. He continued saying that this doesn't mean the discussion is over but that more groups such as the Human Rights Commission, the Tenants Association, and other groups need to approach the City Council to provide an ordinance dealing with these issues and evidence for why it is a good idea to pass the ordinance. Mr. Nicklas said that the model ordinance from Evanston does allow tenants to withhold rent for various reasons and that it is broader than what is in the City of DeKalb's codes. He said that if tenants ban together and withhold rent if they were to adopt this ordinance and there was a good reason to withhold rent, that the City would give them all the protection that they would need. Going forward from tonight, that model ordinance is what needs to be considered to empower tenants.

Mr. Gastiger wondered if approaching the University would help because they have stated they want to be involved in improving that neighborhood because their fate is tied to the crime and safety in this community. He said that they should get the law school involved by seeing if any law students would be interested in assisting on this issue and that would resolve the staffing issues within the City. Mr. Nicklas said there could be a way to make that piece work within the model. Mr. Blumenthal agreed with Mr. Gastiger and said that if he approached some Professors from the law school that they would be willing to get their students involved. Mr. Walker said the one thing he can't get his head around is that he thinks these are great ideas, the City and the Commission can do their due diligence, but this certain landlord does not care about improving their properties. There needs to be further legal action to see results because it is a revolving door of incidents with no results.

Mr. Nicklas apologized at this point and said he needed to go to another meeting, but he told chair Apperson to have Jacob from the DTA call him and try to see what type of action they can do going forward. He said he thinks the Evanston model lease is something to look at that may solve this problem. Mr. Gastiger said that he sees where Mr. Walker's frustration is coming from and if the City cannot do anything to resolve these issues then the tenants themselves need to band together to carry out some type of class action law suit against this landlord. Mr. Blumenthal spoke to what Mr. Walker had said, these incidents are recurring every day and it is just a revolving door of incidents, it is a systemic issue that is going on at these properties. Mr. Walker asked if there was a law against property owners that have caused issues such as these landlords. Mr. Blumenthal said that is the problem with the free market, there are no such laws. Chair Apperson said it may be worthwhile to approach the NIU Law School with the discussion they just had, he asked if anyone from the commission had any connections there. Mr. Gilbert said he could reach out to them. Chair Apperson said if Mr. Gilbert and Mr. Blumenthal could meet with the Law School and even try to set up a type of internship for a law student through the City to see how they could approach this would be a great start. Mr. Gastiger agreed, he thought it was a good idea. Mr. Blumenthal also noted that they could additionally approach Prairie state Legal because since many of them are NIU alumni, they would have a vested interest in the DeKalb community, especially if the Law School is not able to, or at least to get some collaboration between the two organizations.

Chair Apperson then brought up the model lease and said they should all review it and compare it to the DeKalb model lease, and as Mr. Nicklas said it is broader than what the current ordinance says. He said that will be a good ordinance to look at going forward, and he will give Jacob for them DTA an update. Chair Apperson said that throughout the Ch.10 ordinance he indicated where he thought they needed to quote the state law, and other areas where they could suggest making it a stronger ordinance. He continued saying that he wanted everyone's input on the ordinance also and see where they could suggest improvements.

2. Census Update

Chair Apperson then asked if Mr. Blumenthal could give an update on the Census. Mr. Blumenthal said that they have had some struggles because of COVID-19, but despite this, he was proud because in 2010 the City of DeKalb had a self-response rate of 67.7% and this year the City has reached a self-response rate of 68.3%. While it is not where he would like it to be, they still have improved since the last census. He also indicated that NIU is considered a group housing corridor meaning that enumerators must go and count those individuals, and those numbers will not be added to the self-response rate. The City has advertised the Census in many ways such as different forms of media, yard signs,

banners, mailings, and give a ways. The Census has also been extended until October 31st which will be a great benefit to increase the self-response rate. Management Intern Adam Grubbs contributed greatly to this project and dedicated his work towards achieving a high response rate. Mr. Gilbert asked if the pandemic has decreased all response rates at the University level. Mr. Blumenthal said yes it has impacted all Universities within the United States. He continued saying that NIU itself had received a Census grant and had worked very hard to get their students to fill out the Census.

3. Police-Community Relations (No Action Expected – The new community services division plan will be presented at the November HRC meeting).

Mr. Nicklas had no update at this time, he said he would have something at the next meeting. He said they are working on this issue with the Assistant City Manager and that he thinks the Commission will be pleased with what they present to them. They are working on the human aspect and to acquire new talent that will improve how they conduct business in the Police Department.

F. New Business

1. Belonging, a Virtual Meeting, October 22, 6 PM – 8 PM

Chair Apperson announced that this would be a joint virtual meeting by NIU and the City of DeKalb. Mr. Nicklas would be heading up for the City, and Vernese Edghill-Walden would be leading it on the NIU side. He said it would be a virtual presentation by Dr. Powell from Berkeley University. He said the presentation would be focusing on how to get everyone to belong in our community and how to recognize our racial bias. Chair Apperson said he is a part of the planning committee and they have been putting together questions to ask Dr. Powell what communities have been doing a good job of getting people to feel like they belong in the community and how are they doing it?

2. November Meeting Date

Chair Apperson wanted to discuss the next meeting date. Mr. Blumenthal asked if Chair Apperson would like to push it a week back and Chair Apperson agreed. Chair Apperson announced it would be on Tuesday, November 10th, 2020.

G. Adjournment

Motion to adjourn was made by Mr. Gilbert and seconded by Mr. Walker. Adjournment was approved by a unanimous voice vote.

***PLEASE NOTE* That in addition to these minutes are all public comments that were submitted to the HRC for public comment. This includes the chat feature of the Zoom meeting, as well the link to the video of the HRC meeting at: <https://www.youtube.com/watch?v=K572sFy5hxM&t=1s>.**

Jason Blumenthal, Management Analyst

Minutes approved by the Human Relations Commission on _____.