

DISTRICT #6

#090591

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


Resolution or Ordinance (Blue) _____
Waiver of First Requested Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager 

DATE: September 9, 2009 (B of T) Date: September 17, 2009

TITLE: Community Development Block Grant (CDBG) - Village Board Room Accessibility Improvements

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a resolution authorizing the Director of Community Development to submit a Community Development Block Grant Application seeking financing assistance for the accessibility improvements to the Village Board Room.

Staff recommends approval of this request.

Please place this item on the September 17, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X 

Date

Date

Date

9/9/09

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon.

Wednesday, prior to the Agenda Distribution.



MEMORANDUM

To: David A. Hulseberg, Village Manager

From: William Heniff, AICP, Director of Community Development *WH*

Date: September 17, 2009

Subject: FY 10 CDBG - Village Board Room Accessibility Improvements

The Village of Lombard is proposing to remodel the Village Board Room. A portion of the remodeling project will include certain handicap accessibility enhancements. The following alterations are planned as part of the accessibility enhancement portion of the project:

- 1) Level floor for ramp at east side of the room (ADA accessibility)
- 2) Remove dais and replace with ADA accessible dais
- 3) Enlarge southern exit door and provide ADA exterior refuge area outside of south door.
- 4) Remove and replace presentation podium (replace with adjustable height podium)
- 5) Enlarge Board Room entry doors and install electronically assisted doors
- 6) Remove seats in certain areas and designate area as accessible seating area.

DUPAGE COUNTY

DuPage County provides FY 10 Community Development Block Grant allocated funding matches for a number of different community improvements. As stated above, the Village of Lombard is proposing a number of handicap accessibility enhancements to the Village Board Room, which would qualify as an "Accessibility Improvement" under the DuPage County CDBG criterion.

PROJECT BUDGET

The cost of the Board Room remodeling project has been determined by SRBL Architects. The CDBG funding match only applies to the remodeling project that pertains to accessibility improvements. The CDBG would provide a 50% match for those qualifying improvements. Staff is currently working with DuPage County to determine what improvements according to the Letter of Intent that was submitted to DuPage County, the accessibility

portion of the project is estimated at \$97,236; as such, the Village is requesting a 50% match that would total \$48,618. After further discussion between the Village and SRBL Architects, it was determined that the ADA portion of the project may fluctuate depending on what items will be accepted under the terms of the CDBG grant. As such, the total amount of funds being requested may increase or decrease.

PUBLIC HEARING

The Village of Lombard must hold a public hearing regarding the project. The Village must also pass a resolution authorizing the application for funds. Both the public hearing and the approval of the resolution can occur at the same Board of Trustees meeting. This must be timed so that it occurs before the application due date of October 1, 2009. Therefore, this item must be on the September 17, 2009 Board meeting. DuPage County should also be notified of the public hearing and the public meeting information will be required in the CDBG application.

REQUIRED ITEMS

1. Letter of Intent 2010 Neighborhood Investment CDBG. The Letter of Intent was submitted to DuPage County prior to the September 4, 2009 deadline.

2. Complete CDBG Application due October 1, 2009. The public hearing and subsequent Board resolution will be required to proceed with the CDBG application. The CDBG application is attached as part of this correspondence; however, the public hearing has yet to occur and Village attorneys are currently reviewing the zoning compliance criteria. Moreover, additional amendments to the application will occur.

RECOMMENDATION

Staff recommends that the Village Board approve a resolution authorizing the Director of Community Development to submit a Community Development Block Grant Application seeking financing assistance for accessibility improvements to the Village Hall Board Room.

RESOLUTION AUTHORIZING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION SEEKING FINANCING ASSISTANCE FOR THE ACCESSIBILITY IMPROVEMENTS TO THE VILLAGE BOARD ROOM

WHEREAS, the Village President and Board of Trustees believe and hereby declare that it is in the best interest of the Village and its residents to seek additional funding to facilitate and expedite the activities associated with the Village Board Room accessibility improvements; and

WHEREAS, there are funds available from DuPage County in the form of a Community Development Block Grant (CDBG) for which the Village of Lombard may apply to assist in the funding of the activity; and

WHEREAS, the grant is for financing accessibility initiatives proposed for the Village of Lombard Board Room located in the Lombard Village Hall, 255 E. Wilson Avenue, Lombard, IL; and

WHEREAS, the Village of Lombard staff has completed the paperwork required to apply for the above-mentioned grant;

WHEREAS, the Application has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; and,

NOW, THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, THAT THE DIRECTOR OF COMMUNITY DEVELOPMENT TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION as follows:

SECTION 1: That the Director of Community Development be and hereby is authorized to sign on behalf of the Village of Lombard said document as attached hereto.

Adopted this _____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

FY 2010 APPLICATION FORM

DuPage County Neighborhood Investment, Community-Wide Benefit, Accessibility Improvements, and Planning Projects

This application form is for proposals for Neighborhood Investment, Community-Wide Benefit, Accessibility Improvements, and Planning Projects as identified by the DuPage Community Development Commission (CDC). This application must be accompanied by adequate support documentation.

INFORMATION ABOUT THE APPLICANT AND THE APPLICATION

Name of Applicant: Village of Lombard

Name of Project: Board Room Accessibility Enhancements

Type of Project: Neighborhood Strategy Area Neighborhood Infrastructure & Facilities Accessibility Improvements for People with Disabilities Community-Wide Benefits Planning Studies

Contact Person: Name: William Heniff

Title: Director of Community Development

Address: Street: 255 E. Wilson

Zip: 60148

City: Lombard

State: IL

Telephone: (630) 620-3599

Fax: (630) 629-2374

Total Project Cost of Activities Funded (in whole or in part) by this Application: \$97,236

Total of CDBG Funding Requested to Support These Activities: \$48,618

(See NSA explanation, Part 3.1, in Project Ranking Criteria)

For NSA Projects, Year 2 CDBG Request

Total Project Cost

For NSA Projects, Year 3 CDBG Request

Total Project Cost

Project Abstract In the space below, briefly describe the activity for which you are requesting funds pursuant to this application.

The Village of Lombard is proposing to remodel the Village Board Room in an effort to provide for greater accessibility accommodations. The following accessibility alterations are planned as part of this request:

- 1) Level floor for ramp at east side of the room (ADA accessibility)
- 2) Remove dais and replace with ADA accessible dais
- 3) Enlarge southern exit door and provide ADA exterior refuge area outside of south door.
- 4) Remove and replace presentation podium (replace with adjustable height podium)
- 5) Enlarge Board Room entry doors and install electronically assisted doors
- 6) Remove seats in certain areas and designate area as accessible seating area.

Certification: The undersigned certifies that to the best of his or her knowledge and belief, data in this application and its attachments are true and correct, the document has been duly authorized by the governing body of the organization, and the organization will comply with all regulations and guidelines applicable to DuPage County's Community Development Block Grant and/or Emergency Shelter Grant program, as applicable.

Authorized Signature: David A. Hulseberg

Title: Village Manager

Date: _____

Signed: _____



PART 1: MINIMUM REQUIREMENTS

1.1 Governing Body Authorization : A resolution that this application was authorized by your governing body as well as authorization to sign an Agreement if funding is granted is included as Attachment **A** on Page .

1.2 Public Hearing: In the space below, briefly describe methods used to solicit stakeholder input into the planning process for this application. List date of public hearing.

Village staff conducted a public hearing meeting exclusively address accessibility enhancements to the Village Board Room on September 16, 2009. Staff advertised the meeting by placing ads in the Daily Herald, broadcasting the meeting information on the Village's television channel (Channel 6) and posting a press release on the Village's website. The accessibility enhancements were presented by staff; however, there was no comment from the audience during the public comment portion of the presentation.

The public hearing notice and minutes are in Attachment **B** on Page .

1.3 Capacity: Briefly describe the capacity of your organization to carry out the proposed activities.

The Village of Lombard has appointed a private architectural firm to design the proposed accessibility enhancements. Staff has met on-site with the hired firm on several occasions to accurately convey a needs assessment for the proposed project. As part of a walk through of the project area, staff, in conjunction with the architectural firm, were able to identify all accessibility issues that need to be addressed within the project area. The Village of Lombard Building Department has reviewed all plan sets and conducted a walk through to ensure that all ADA requirements have been fulfilled.

1.4 Fair Housing Action Plan: A fair housing action plan is a necessary prerequisite to apply for CDBG funding. Summarize the actions that you have taken, or plan to take, to further fair housing in your community.

(See attachment "C")

a. Fair Housing Action Plan is included in Attachment **C** on Page .

b. **Zoning Ordinance Compliance:** Local policy requires that in order to receive funding a municipality must have a zoning ordinance that is consistent with the amended Civil Rights Act of 1988. These zoning amendments will address the issues of group homes and the definitions of family.

An attorney's letter of opinion regarding consistency is in Attachment **D** on Page .

1.5 Location Map: Identify both the exact location of the proposed project and the service area of the proposed project. This map is included in Attachment **E** on Page .

Budget: In the table below, provide information about the total project cost including information on each proposed activity (e.g., sewer, water, streets, landscaping, accessibility, planning, engineering costs, design fees, etc.) Each activity should be a separate line item in the budget. **Please note that CDBG funds can only fund actual construction costs.** Also note that multi-year funding is available only to Neighborhood Strategy Area Projects. Attach additional supporting information as necessary.

BUDGET SUMMARY for YEAR ONE					
Type of Activity and its Location	Amount of Non-CDBG Funding	Source of Non-CDBG Funding *	Commitment Date of Non-CDBG Funding	Amount of CDBG Funding	Total Cost of Activity
(EXAMPLES) <ul style="list-style-type: none"> sanitary sewer streets sidewalks installation on Garfield, Washington, and West Streets, Anytown, IL	\$125,000 \$62,500 \$25,000	*Gen. Revenue *Gen. Revenue *Gen. Revenue	January 1999 January 1999 January 1999	\$375,000 \$62,500 \$25,000	\$500,000 \$125,000 \$50,000
Level floor for ramp at south side of the room @ Village Hall Board Room	\$4,818	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$4,818	\$9,636
Remove dais and replace with ADA compliant dais @ Village Hall Board Room	\$20,000	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$20,000	\$40,000
Remove seats in certain areas and designate area as accessible seating area @ Village Hall Board Room	\$625	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$625	\$1,250
Remove and replace presentation podium (replace with adjustable height podium) @ Village Hall Board Room	\$1,750	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$1,750	\$3,500
Enlarge Board Room entry doors and install electronically assisted doors.	\$3,500	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$3,500	\$7,000
Enlarge southern exit door and provide ADA exterior refuge area outside of south door @ Village Hall Board Room	\$8,925	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$8,925	\$17,850
Construction Contingency (10%)	\$2,769	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$2,769	\$5,538
Owner's Contingency (5%)	\$139	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$139	\$278
G. C. (general conditions, overhead & profit)(22%)	\$6,092	Capital Projects Funding	FY 2010 (June 1, 2009 - May 31, 2010)	\$6,092	\$12,184
TOTAL PROJECT COSTS FOR YEAR ONE	\$48,618			\$48,618	\$97,236

2.3 Urgent Community Development Needs:

Describe the conditions of slums and blight. n/a

- Residential Area
- Nonresidential Area
- Area has been designated as blighted per State requirements
- Area has not been designated as blighted per State requirements
- Area is considered as blighted _____ percentage of structures are considered dilapidated or deteriorating

Indicate, in the boxes below, all that apply to the target area: Attach supporting documentation.

2.2 Eliminating Conditions of Slums and Blight:

Documentation: The source of the above information is in Attachment _____ on Page _____

Please indicate the source of the income information:
 Income Survey conducted by Applicant
 Census Data

Identify Census Tract(s) and Block Group(s) of the service area identified in Item 1.5

Census Tract _____ Block Group _____
 Census Tract _____ Block Group _____
 Census Tract _____ Block Group _____

Income Range *MFI means Median Family Income.	Total No. of Persons Benefited	% of Persons Benefited
0-30% of MFI*	n/a	n/a
31-50% of MFI*	n/a	n/a
51-80% of MFI*	n/a	n/a
81% + of MFI*	n/a	n/a
TOTAL	n/a	n/a

2.1 Benefit to Low-Income Persons:
 For the service area identified in Item 1.5, identify the total number of persons benefited by income range and the % of low-mod persons benefited by income range.

PART 2: MEETING NATIONAL OBJECTIVES

PART 3: PROJECT IMPACT

3.1 Neighborhood Strategy Area (NSA) Improvements

Is the proposed project a part of a NSA approach to planning for neighborhood improvements?
 yes or no If yes,
What is the completion date of the NSA plan? n/a
Why is the information still valid? n/a

Neighborhood Needs
The NSA plan must cover "1" or "2," and "3" or "4" of the needs lists below. Please check the appropriate boxes.
 1. Infrastructure
 2. Facilities and Services
 3. Neighborhood Safety/Environmental Hazards
 4. Housing Quality
1. Infrastructure Provide a summary description of the Infrastructure needs evaluated in the NSA plan.
n/a

2. Facilities and Services Provide a summary description of the Facility and Service needs evaluated in the NSA plan. n/a

3. Neighborhood Safety/Environmental Hazards Provide a summary description of the Neighborhood Safety/Environmental Hazards needs evaluated in the NSA plan. n/a

4. Housing Quality Provide a summary description of the Housing Quality needs evaluated in the NSA plan.

3.2 **Housing Affordability** Provide information on the affordability of housing in the affected neighborhood.

Affordability Category	Number of Units
Affordable to households at 0-50% of median income	n/a
Affordable to households at 51%-80% of median income	n/a
Affordable to households at 81%-100% of median income	n/a
Affordable to households at over 100% of median income	n/a

Documentation: The NSA plan is in Attachment _____ on Page _____

3.3 Neighborhood Infrastructure and Facilities

This category includes activities that fall into four types. These types are: (A) flood management; (B) water and sanitary sewer; (C) open space and recreation; and (D) streets, sidewalks, street lighting, and other miscellaneous neighborhood facilities. Please provide information on activities appropriate to your project.

A. Flood Management

Please indicate the condition of flooding in the target area. One or more boxes can be checked. Attach supporting documentation.

- Project has been denied for county storm water funding
- A substantial number of dwelling units are flooded on a regular basis and flooding is inside the house.
- A substantial number of dwelling units experience flooding in their yards and streets, with minor basement seepage.
- Residential properties are affected by flooding, but the number is not substantial.

Describe the current problems, estimate the number of persons that will benefit, and summarize the project specifications. n/a

A. Flood Management (Continued)

B. Water and Sanitary Sewer

Please indicate the condition of waters and sewers in the target area. Attach supporting documentation.
 A health or safety hazard exists affecting a substantial number of households
 A health or safety hazard exists, but does not affect a substantial number of households
 There is a need for water and/or sanitary sewer, but a health or safety hazard has not been demonstrated

Describe the current problems, estimate the number of persons that will benefit, and summarize the project specifications. n/a

C. Open Space and Recreation

Please check the box that best describes the proposed activity. Attach support documentation as needed.

- Project is in a high density area where there are no other facilities within a reasonable walk of the neighborhood.
- Project will be located in an area where there are no other facilities within a reasonable walk of the neighborhood.

Describe the current problems, estimate the number of persons that will benefit, and summarize the project specifications. n/a

D. Street Improvements, Sidewalks, Street Lighting, and Other Miscellaneous Neighborhood Facilities

Please check the box that best describes the proposed activity. Attach support documentation as needed.

- Current facilities, or lack thereof, significantly contributes to a neighborhood safety hazard
- There is a need for facilities, but a health or safety hazard has not been demonstrated

Describe the current problems, estimate the number of persons that will benefit, and summarize the project specifications. n/a

3.4 Accessibility Improvements for People with Disabilities

This category includes activities that will improve accessibility for people with disabilities through capital improvements to public or private facilities or structures.

Please check the box that best describes the proposed activity. Attach support documentation as needed.

Improvement to a public facility that would not be expected to have a higher than average use by persons with disabilities.

Improvement to a private facility.

Describe the current problems, estimate the number of persons that will benefit, and summarize the project specifications.

The Village of Lombard Board Room was constructed 28 years ago, prior to the establishment of the Americans with Disabilities Act and the current Illinois Accessibility Code.

The Village of Lombard has also been faced with an aging population. According to the 2000 Census, the total population of residents over 65 years of age in Lombard is 14.5%. The total percent of the U.S. population over the age of 65 is only 12.4%, which means that Lombard is above the national average by over 2%. Slightly below the national average, 14% of the population (5 years and over) within Lombard has claimed to be disabled. As the total population of Lombard during the 2000 Census was listed at 43,322, over 5,400 of those residents (over the age of 5) were considered disabled.

To accommodate the disabled and aging population, the Village is proposing to enhance accessibility amenities in the Village Board Room. These enhancements will allow all citizens of Lombard, Lombard constituents and committee members to participate in the public hearing process and other events held in the Village Board Room. The proposed enhancements are limitless in the number of people this will benefit as non-citizens will also benefit from the improvements.

The proposed improvements will address accessibility improvements inside and outside of the Village Board Room. To provide a greater number of accessible seating, existing audience seating will be removed and certain areas will be designated for wheelchair accessible seating. Each of the accessible seating areas will be located between the existing audience seating in the back row so as to not alienate those accessible seating areas from the rest of the audience. The existing audience seating area is located on a sloped surface; the proposed accessible seating areas will be located on a level surface.

Power assisted doors will replace the manual entry doors in the interior of the building. The emergency exit door located on the southern wall will be enlarged to allow wheelchair passage onto a newly constructed concrete balcony that will serve as an area of rescue assistance. The existing exit door is the only means of direct egress to the outside for fire escape purposes and it currently does not allow for the full accommodation of wheelchairs. The concrete balcony will be large enough to serve as a rescue staging area as the exit door currently leads only to a steep staircase.

As part of the Village of Lombard's 2009 request for CDBG funds for the Board Room accessibility improvements, there were a number of ADA items that did not qualify for funding. Closed captioning television monitors were to be installed on the southeast and northeast walls. These audio-visual enhancements would allow patrons that do not have full hearing capabilities to be able to participate in the meetings and/or discussions. The closed-caption television would utilize specialized software that supports the use of closed captioning and the association of the captioning with streaming media. Captions will be viewable during live and archived streaming for full ADA compliance. The ultimate goal for the Village Board Room is such that it will be designed in a fashion to accommodate a number of disabilities. Although the audio-visual enhancements are not being requested for funding, they will remain on the plan as the Village will install these items as funding becomes available (without the assistance of CDBG funding).

The largest and most challenging component of this request is the removal of a number of architectural barriers to achieve full ADA compliance. The Village of Lombard Building Department utilized Chapter 4.33 "Assembly Areas" of the American with Disabilities Act Accessibility Guidelines (ADAAAG) as a reference for the proposed improvements. To ensure that persons with disabilities have access to the dais, the floor on the southeast portion of the Board Room will be leveled so that it is even with the floor of the dais and presentation area. The entire dais will be removed and the new dais will be pushed out from the east wall to allow for wheelchair access and circulation. The presentation podium will be removed and replaced with a podium that will have adjustable height capabilities to accommodate a patron in a wheelchair. The area behind the proposed adjustable podium area will provide a 60-inch clearance for a wheelchair turning circle. On the northeast wall of the Board Room, which is the northern end of the podium, a new ADA compliant staircase with handrails will be provided for general assistance.

The proposed improvements will provide an up-to-date level of ADA accommodation to the general public, Board/committee members and visitors of Lombard who have certain disabilities, but still desire to participate in Village governmental processes.

3.5 Community-Wide Benefit Activities

This category includes activities that fall into two types. These types are: (A) community-wide facilities, and (B) economic development.

A. Community-Wide Facility

Describe the current problems, estimate the number of persons that will benefit, and summarize the project specifications. n/a

Explain why the facility is not feasible as a need cluster activity because of its low priority and/or because of unavailability of funding in the need clusters. n/a

B. Economic Development

Describe the current problems, estimate the number of persons that will benefit, and summarize the project design. n/a

3.6 Planning Studies

The role of a planning study is to implement the other objectives of the CDBG program. Please indicate below the type of plan to be done.

- Affordable housing plan
- Neighborhood planning related to multi-year Neighborhood Strategy Areas
- Multi-jurisdictional land use, growth management, and development control activities plan

Describe the proposed planning study and summarize the project design. n/a

Completion Date	Activity
n/a	Project team established
	Site control
n/a	Property acquired
n/a	Option acquired
n/a	All easements acquired
n/a	Other
	Other project authorization
n/a	Approval of Special Service Area
n/a	Facilities Planning Area (FPA) approval
n/a	Property annexation complete
n/a	Other
Fall 2009	Completion of preliminary engineering, or project design
Winter 2009	Completion of final engineering, or project design
Winter 2009	Advertise for bids
Spring 2010	Award of contracts
Spring 2010	Start of project
Summer 2010	Substantial project completion
Spring 2010	50% of Funds Expended
Summer 2010	100% of Funds Expended

Provide a schedule of activities for the project. For activities already completed, show the actual completion date and submit documentation.

The Village has been working with a contracted architect who has already designed a plan set based upon due diligence conducted with staff, on location (see Attachment "F"). As such, a major portion of the design and planning phase of the project is already complete; however, fine-tuning of the plans may be necessary throughout the process. Based upon the fiscal timeline, the project is planned to be complete within a one-year timeframe. In a time of economic hardship, those same fiscal implications represent the largest obstacle to the project. If the specified funding is no longer available, the project may not even make it past the planning phase. The design is simple mechanics in comparison to the funding obstacles that may be encountered. As previously mentioned, the audio-visual enhancements are not being requested for funding; however, they will remain on the plan as the Village will install these items as funding became available (without the assistance of CDBG funding)

4.1 **Description of Readiness** Describe how much planning work has been completed at the time of application, what work will be completed by the time agreement is executed, and what obstacles could remain in the way of completing each activity within one year.

PART 4: PROJECT READINESS

E. **Distribution Equity Adjustment for Municipal Projects** (See explanation page 8 of Project Ranking Criteria) n/a

D. **Leveraging of Funds** (See explanation page 7 of Project Ranking Criteria) n/a

If any actions regarding Fair Housing have taken place in the past 12 months, please detail.
A copy of the Fair Housing Action Plan is included as Attachment C on Page _____.

PART 5: FAIR HOUSING ACTION PLAN

2. Explain any authorization issues and provide necessary documentation.
Final bids submitted to the Village for the proposed work will be required to be considered by the Village Board of Trustees.

1. Explain any site control issues and provide necessary documentation.
As the proposed project is within the confines of the building, site control issues aren't necessary.

The Village staff has been working with SRBL Architects over the past couple of years to design the Board Room ADA enhancements. SRBL Architects originally provided the design and cost estimates for the FY 2009 Village of Lombard Neighborhood Investment application. The design portion of the project will primarily be the responsibility of SRBL Architects; however, Village staff will be responsible for managing the project by overseeing the design portion, soliciting bids and obtaining the necessary Village Board approvals.

Describe the project team. Who will be responsible for each project component?

ATTACHMENT "A"
Governing Body Authorization

RESOLUTION _____ 09

RESOLUTION AUTHORIZING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION SEEKING FINANCING ASSISTANCE FOR THE ACCESSIBILITY IMPROVEMENTS TO THE VILLAGE BOARD ROOM

WHEREAS, the Village President and Board of Trustees believe and hereby declare that it is in the best interest of the Village and its residents to seek additional funding to facilitate and expedite the activities associated with the Village Board Room accessibility improvements; and

WHEREAS, there are funds available from DuPage County in the form of a Community Development Block Grant (CDBG) for which the Village of Lombard may apply to assist in the funding of the activity; and

WHEREAS, the grant is for financing accessibility initiatives proposed for the Village of Lombard Board Room located in the Lombard Village Hall, 255 E. Wilson Avenue, Lombard, IL; and

WHEREAS, the Village of Lombard staff has completed the paperwork required to apply for the above-mentioned grant;

WHEREAS, the Application has been drafted and a copy is attached hereto and incorporated herein as Exhibit "A"; and,

NOW, THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, THAT THE DIRECTOR OF COMMUNITY DEVELOPMENT TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION as follows:

SECTION 1: That the Director of Community Development be and hereby is authorized to sign on behalf of the Village of Lombard said document as attached hereto.

Adopted this _____ day of _____, 2009.

Ayes: _____

Naves: _____

Absent: _____

Approved this _____ day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ATTACHMENT "B"

Public Hearing

N.E.W.S. R.E.L.E.A.S.E.
Village of Lombard Community Development Department
(630) 620-5749
(630) 629-2374 (fax)



September 4, 2009

Contact: Joelyn Kott
Communications & Marketing Coordinator, 620-5718

FOR IMMEDIATE RELEASE

Public Information Meeting Held for Proposed Village of Lombard Board

Room Accessibility Enhancements

LOMBARD, Illinois—The Village of Lombard will conduct a public

information meeting relative to a pending Community Development Block Grant

application for accessibility enhancements to the Board Room in Lombard's Village Hall.

The Village Hall is located at 255 E. Wilson Avenue, Lombard.

The scheduled meeting will be held on September 16 at 4 p.m. in the Board

Room. The Village is proposing to remodel the Board Room in an effort to provide for

greater accessibility accommodations. Interested parties will have the opportunity to

provide comment on the proposed improvements.

For more information on the public information meeting and the proposed

accessibility project, please contact the Community Development Department at (630)

620-5758.

NOTICE OF PUBLIC HEARING

The Village of Lombard hereby provides notice that a public hearing will be conducted to consider a grant application for the Village Board Room accessibility improvements. The project is intended to provide for greater accessibility for the grant application for the Village Board Room accessibility improvements. The project is intended to provide for greater accessibility for the grant application for the Village Board Room accessibility improvements. The project is intended to provide for greater accessibility for the grant application for the Village Board Room accessibility improvements.

Date: Wednesday, September 16, 2009
Time: 4:00 P.M.

Location: Lombard Village Hall
255 E. Wilson Avenue
Lombard, IL 60148
For more information, please visit or call the: Department of Community Development
255 E. Wilson Avenue
Lombard, Illinois 60148
(TDD No. 630 873-4595)
630 620 5749
All persons desiring to comment on the proposal will be given an opportunity to do so at the public hearing. Written statements should be encouraged and should be sent before September 16, 2009. All interested parties are encouraged to attend the public hearing. Planner: [redacted]
Published in Daily Herald August 28, 2009 (4174999)

CERTIFICATE OF PUBLICATION
Paddock Publications, Inc.
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the DAILY HERALD. That said DAILY HERALD is a secular newspaper and has been circulated daily in the Village(s) of Addison, Bensenville, Bloomingdale, Carol Stream, Glendale Heights, Glen Ellyn, Itasca, Keeneyville, Lisle, Lombard, Medinah, Naperville, Oak Brook, Oakbrook Terrace, Rosele, Villa Park, Warrenville, West Chicago, Wheaton, Winfield, Wood Dale

County(ies) of DuPage
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and its general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 7150, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published August 28, 2009 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Molly Bratonick*
Authorized Agent

Control # 4174999

Fair Housing Action Plan

ATTACHMENT "C"

AN ORDINANCE AMENDING TITLE 13 OF THE VILLAGE OF LOMBARD CODE OF ORDINANCES TO ESTABLISH FAIR HOUSING PRACTICES AND PROCEDURES

WHEREAS, pursuant to 65 ILCS 5/11-11.1-1 et seq. the Corporate Authorities of any municipality may enact ordinances prescribing fair housing practices and prohibiting unfair housing practices based on race, color, religion, sex, creed, ancestry, national origin, familial status, or physical or mental handicap in the listing, sale, assignment, exchange, transfer, lease, rental or financing of real property for the purpose of the residential occupancy thereof; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard believe and hereby declare that it is in the best interests of the Village of Lombard and its residents to prescribe fair housing practices, to assist in the expeditious resolution of complaints, and to refer complainants to appropriate agencies charged with the enforcement of fair housing practices.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

Section 1: The foregoing recitals shall be and are hereby incorporated as if said recitals were fully set forth within this Section One.

Section 2: Title 13 of the Lombard Village Code is amended by adding a new Chapter 135 which shall read in its entirety as follows:

CHAPTER 135

FAIR HOUSING PRACTICES

135.01: DEFINITIONS: For the purpose of this Chapter, the following words and phrases shall have the meaning respectively assigned to them:

FAMILIAL STATUS

Means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- A. A parent or other person having legal custody of such individual or individuals or
- B. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded by this Chapter against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

HOUSING ACCOMMODATIONS

Includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

LEASE

Includes sub-lease, assignment, and rent (or rental) and includes any contract to do any of the foregoing.

LENDING INSTITUTION

Means any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying loans or instruments for the payment of money which are secured by title to or a security interest in real property, but shall not include any religious institution or organization nor any charitable or educational organization operated, supervised or controlled by a religious institution or organization.

NATIONAL ORIGIN

Includes national origin and ancestors.

OWNER

Means any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any real property.

PURCHASE

Includes any contract to purchase

REAL ESTATE BROKER OR SALESMAN

Means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these.

REAL ESTATE TRANSACTION

Includes the sale, exchange, rental or lease of real property and also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance:

A. For purchasing, constructing, improving, repairing or maintaining a dwelling; or,

B. Secured by residential real estate.

REAL PROPERTY

Includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

SALE

Includes any contract to sell, exchange or convey, transfer or assign legal or equitable title to or beneficial interest in real property.

SOLICITATION

Means any conduct designed or intended to induce the owner of any real property to sell, rent, exchange, convey, transfer or list for sale or rental such real property.

135.02: DISCRIMINATION IN REAL ESTATE TRANSACTIONS PROHIBITED

A. No owner, lessee, or sublessee of real property, real estate broker or salesman, lender, financial institution, advertiser, or agent of any of the foregoing, shall discriminate against any person because of that person's race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, familial status, or unfavorable discharge from military service with respect to any real estate transaction.

B. Any act of discrimination in a real estate transaction shall be considered an unfair housing practice, including but not limited to the following:

1. Refusal to engage in a real estate transaction with a person or discriminate in making available such a transaction.
2. Altering the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.
3. Refusal to receive or failure to transmit a bona fide offer to engage in a real estate transaction from a person.
4. Refusal to negotiate for a real estate transaction with a person.
5. Representing to a person that real property is not available for inspection, sale, rental, or lease when, in fact, it is so available, or failure to bring a property listing to his or her attention, or refusal to permit him or her to inspect real property.

6. Printing, circulating, posting, mailing, publishing or causing to be published a written or oral statement, advertisement or sign, or using a form of application for a real estate transaction, or making a record in inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicating, directly or indirectly an intent to engage in unlawful discrimination.

7. Offering, soliciting, accepting, using or retaining a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status in a real estate transaction is intended.

8. Soliciting for sale, leasing, listing or purchasing any residential real estate within the city on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status, or handicap.

9. Distributing or causing to be distributed, written material or statements designed to induce any owner of residential real estate in this City to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap of residents in the vicinity of the property involved.

10. Intentionally creating alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this Village to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap.

11. Discriminating or participating in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repairs or maintenance of any real property in the City.

For the purpose of this subsection, discrimination in lending shall include:

- a. Refusal to make loans; or,
- b. Differentiation in the type of loans, including interest rates, charges to buyer or seller, duration and amount of loan; or,
- c. Influencing appraisals in connection with loans; or,
- d. Delaying processing loan applications.

135.03: COMPLAINT PROCEDURES:

A. The Village shall act as a local source for assistance and information for persons who have complaints related to unfair housing practices.

B. The Village shall provide assistance and information to any such person, which shall include, but is not limited to:

1. The rights and remedies available to a person who has been discriminated against by virtue of an unfair housing practice;
2. The types of discrimination which are considered to be unfair housing practices;
3. The names, addresses, and phone numbers of county, state and federal agencies where such person may file formal complaints; and,
4. Such other relevant information or assistance as the Village may have available to assist such person.

C. The Village Manager or his officially appointed representative shall be responsible for coordinating and directing the Village's fair housing procedures.

Section 3: Any and all policies, resolutions, or ordinances of the Village of Lombard in conflict with the provisions of this ordinance shall be, and they are hereby, repealed.

Section 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Passed on first reading this _____ day of _____, 1993.

First reading waived by action of the Board of Trustees this _____ day of July, 1993.

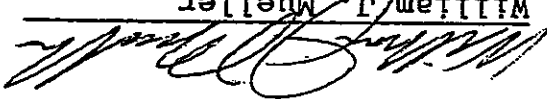
Passed on second reading this 1st day of July, 1993.

Ayes: TRUSTEES BIRD, GALT, MACKETT, CARLSON, TROSS & KOENIG

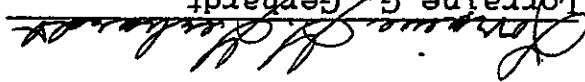
Nayes: NONE

Absent: NONE

Approved this 1st, day of July, _____, 1993.


WILLIAM J. MUELLER
Village President


ATTEST:


Lorraine G. Gerhardt
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

Published by me in pamphlet form this 8th day of July, 1992.


Lorraine G. Gerhardt
Village Clerk

(3) For purposes of this subsection, discrimination includes ... (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

The FHA prohibits discrimination based on race, color, religion, sex, handicap, familial status or national origin. Specifically, it imposes a duty of reasonable accommodation on the Village, stating that the following is unlawful:

The following is a brief review of the FHA and pertinent case law:

This letter is in response to DuPage County's request for an attorney's opinion that the Village's Zoning Code ("Zoning Code") complies with the Federal Fair Housing Act, 42 U.S.C. 3601, et seq. (hereinafter the "FHA"). Based upon our research, four provisions must be changed. They involve the following: 1) a classification of family care facilities as a conditional use; 2) the structure must meet all applicable building, fire and health codes; 3) an off-street parking requirement; and 4) a parking prohibition in required front and rear yards. We have also proposed some additional changes to make the Zoning Code more defensible.

Dear Dave:

Re: Zoning Code Compliance with the Fair Housing Act

Mr. David Hulseberg
Director of Community Development
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148-3931

September 26, 2003

zawagner@ktinet.com

WRITER'S DIRECT DIAL

WRITER'S E-MAIL

PATRICK A. LUCANSKY
E. KENNETH FRIKER
GERARD B. DEMPSBY
TERRENCE M. BARNICLE
BRUCE A. ZOLNA
JAMES P. BARTLEY
MICHAEL J. DUGGAN
THOMAS P. BAYER
DENNIS G. WALSH
SCOTT F. UHLER
EVERETTE M. HILL, JR.
JANET N. PETSCHER
JAMES V. FERLO
MICHAEL T. JURUSIK
THOMAS M. MELODY

20 NORTH WACKER DRIVE
CHICAGO, ILLINOIS 60606-2903
TELPHONE (312) 984-6400
FACSIMILE (312) 984-6444
FACSIMILE (312) 606-7077
ORLAND PARK OFFICE
15010 S. RAVINIA AVE., SUITE 17
ORLAND PARK, IL 60462-3162
TELEPHONE (708) 349-3888
FACSIMILE (708) 349-1506

SUITE 1660
KLEIN, THORPE AND JENKINS, LTD.

LAW OFFICES

COMMUNITY DEVELOPMENT

RECEIVED SEP 27

RINDA Y. ALLISON
LANCE C. MALINA
KATHLEEN T. HENNA
GEORGE A. WAGNER
JAMES G. WARGO
SUZANNE M. FITCH
MICHAEL A. MARRS
SHAWN P. LEE
OF COUNSEL
RICHARD T. WIMMER
JAMES A. RHODES

Reasonable local, state or federal restrictions, regarding the maximum number of occupants permitted to occupy a dwelling, are permissible. 42 U.S.C. 3607(b)(1). Further, discrimination in the sale or rental of housing excludes "an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others," 42 U.S.C. 3604(f)(9), and "conduct against a person because of a conviction for illegal manufacture or distribution of a controlled substance" is not prohibited. 42 U.S.C. 3607(b)(4).

"Handicap" is defined to exclude "current, illegal use of or addition to controlled substance", 42 U.S.C. 3602(h), see also 42 U.S.C. 3607(b)(4), while discrimination for familial status is based upon the following definition:

... one or more individuals (who have not attained the age or eighteen years) being domiciled with - 1) a parent or another person having legal custody of such individual or individuals; or 2) the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or who is in the process of securing legal custody of any individual who has not attained the age of eighteen years. 42 U.S.C. 3602(k)

Such discrimination excludes certain housing intended and operated for persons 55 years of age or older, 24 C.F.R. 100.304, and certain housing intended for, and solely occupied by, persons 62 years of age or older. 24 C.F.R. 100.303.

A number of court cases have been decided in light of the FHA. The United States Supreme Court in *City of Edmonds v. Oxford House*, 514 U.S. 725 (1995), determined that building code maximum occupancy restrictions are exempt under Section 3607(b)(1), but "family composition" rules are not. In *Oxford House*, family, for the purpose of occupying single family dwelling units, was defined as persons "related by genetics, adoption or marriage, or a group of five or fewer (unrelated) persons". The Court found that this restriction was not exempt, though the Court did not otherwise rule on its validity. However, even if a building code maximum occupancy restriction is facially neutral, it can create a disparate impact in violation of the FHA. *United States v. Town of Cicero*, 1997 WL 337379 (N.D. Ill. 1997)

The Eighth Circuit in *Oxford House-C v. City of St. Louis*, 77 F.3d 249 (8th Cir. 1996), determined that a city zoning restriction limiting group homes to eight (8) residents was rational and did not violate the FHA. The refusal to seek a variance was fatal to the plaintiff's reasonable accommodation claim. *Id.* at 253. Further, the Seventh Circuit has determined that a claim was not ripe where a group home failed to utilize special use procedures to allow the Village to make reasonable accommodations. This decision was based upon a facially neutral law since the procedures were not solely required for the handicapped. *United States v. Village of Palatine*, 37 F.3d 1230 (7th Cir. 1994). (See also *City of St. Louis*, supra, refusal to apply for variance is fatal to reasonable accommodation claim). However, the Court in *Village of Palatine* noted that the group home would not be required to resort to those procedures, if the special use permit procedure was manifestly futile. *Id.* at 1234. An example of manifest futility is evidence that a municipality routinely grants or denies variances or conditional use approvals based upon neighbor and elected official support or opposition, though a village's record in responding to the

needs of the handicapped individuals and making zoning changes to accommodate the handicapped in the face of community opposition can demonstrate a lack of futility.

Where an ordinance is discriminatory on its face, it will not be saved from invalidity by the ability to seek variances. In *United States v. City of Chicago Heights*, 161 F.Supp.2d 819 (N.D. Ill. 2001), a zoning code, requiring groups of disabled persons to be lodged in detached single family homes, operated by nonprofit providers, with a maximum of one person per room, and requiring that existing building codes be complied with prior to occupancy or reoccupancy, was found to violate the FHA where there was no connection between the requirements and the needs of the disabled persons, and similar requirements were not imposed on nondisabled groups. In this case of facial discrimination, the zoning code was invalid despite the petitioner's ability to seek a variance for a reasonable accommodation. Facially discriminatory statutes must be warranted by the unique and specific needs and ability of those handicapped persons to whom the regulations apply. *Id.* at 844.

Restrictions in spacing group homes have been approved. (*City of Chicago Heights*, 161 F.Supp.2d at 838 (500 feet); *Family Style of St. Paul v. City of St. Paul, Minnesota*, 923 F.2d 91, 94 (8th Cir. 1991) (quarter mile unless approved as a conditional use or special use permit). Additionally, the denial of variations has been held not to violate the FHA under certain circumstances. *Brandt v. Village of Chebanse*, 82 F.3d 172 (7th Cir. 1996) (refusal of a variance to allow developer to erect wheelchair accessible multifamily housing in a single family housing zone). Further, required compliance with a municipality's home construction regulations does not necessarily violate the FHA (*Hemisphere Building Company, Inc. v. Village of Richton Park*, 171 F.3d 437, 441 (7th Cir. 1999) (village was not required to waive requirements for installation of sprinklers because they make homes more expensive for handicapped - as everyone else.)

In addition to other zoning codes that we reviewed, a review of the zoning code provisions addressed in some of the above cases is helpful for comparison purposes. In *Village of Palatine*, supra, a group home was a permitted use in the R-1B District, which permitted detached single family dwellings. It was limited to eight (8) unrelated persons plus staff, and was required to be licensed or certified by the state with paid professional support staff. A special use was required in the R-1B District if the group home was not licensed or certified by the state, if it was not professionally staffed, or, if it was licensed but had nine (9) or more residents. The Court found the ordinance to be facially neutral. Meanwhile, *City of St. Louis* involved an ordinance that limited group homes to 8 or fewer unrelated residents in the definition of single family dwelling. The Court stated that "(t)he City does not need to assert a specific reason for choosing eight as the cutoff point, rather than ten or twelve." *Id.* at 252. Therefore, the Court found the eight-person rule to be rational, in that it favored the handicapped on its face because the zoning ordinance otherwise allowed only three (3) unrelated non-handicapped persons to reside in a dwelling in a single family zone.

Based upon the FHA and the case law, we make the following conclusions regarding the Zoning Code's compliance with the FHA:

Section 155.219, Regulations For Group Care And Family Care Facilities, establishes the requirements of, and processes for these types of facilities. Each type of facility is addressed separately, as follows:

Family Care Facilities

A family care facility (no more than eight (8) unrelated persons including staff) can be approved by the Director of Community Development if it meets certain conditions. Those conditions include the requirements and standards of a conditional use. If it does not meet the conditions, the Plan Commission can recommend to the Board of Trustees approval of a conditional use upon a finding that denial would violate state or federal laws.

Despite the initial ability to administratively approve this type of facility, family care facilities must be considered a conditional use as it requires compliance with conditional use standards. However, none of the cases support a conditional use for such a small facility.

"Recommendations to the Illinois General Assembly on Zoning for Community Residences," (*Village of Palatine and City of St. Louis* involved permitted uses for such facilities. See also Illinois Planning Council on Developmental Disabilities, January 31, 1991, p. 10, "(r)equiring a special use permit for the smaller community residences of, say, four to eight residents plus staff to locate in a single-family zoning district, even the least dense district, is almost certainly illegal under the Fair Housing Act.") Therefore, it is recommended that the conditional use requirements be deleted, so that this will be a permitted use.

The following are additional observations regarding family care facilities:

1. General provisions:

- a. The Director of Community Development has authority to give administrative approval, subject to compliance with certain conditions, and authority to rescind approval for failure to comply. The only similar provision is found in "Model" zoning language for community residences, "Community Residence Location on Developmental Disabilities recommends that such authority be granted for permitted uses. Therefore, it seems reasonable to couple this provision with the permitted use as recommended above, and, if the facility does not meet the conditions for a permitted use, it must apply for a conditional use permit.
- b. There is a provision for a Plan Commission recommendation and Board approval, if the facility does not meet the conditions and denial would result in a violation of state or federal law. This provision is apparently intended to avoid running afoul of the FHA, though none of the other zoning codes that we reviewed had such a provision. This provision is not necessary, though it should be understood that the Village is required to make reasonable accommodations in accordance with the FHA.

2. Condition (1) prohibits a family care facility within 300 feet of a group care facility. This distance limitation is a valid restriction; however, it may be applied to other family care facilities as well. It seems reasonable to include both types of facilities, as the distance is less restrictive than those approved by the courts.

3. Condition (2) requires off-street parking for any vehicles owned or operated by its residents and staff. This requirement appears discriminatory as it is not required for a family. Therefore, it should be deleted and default to the general off-street parking

Definitions and Licensing

The Code's definition of "family" includes a maximum number of unrelated persons based upon the average family of related persons (3.14) and allows an unlimited number of persons related to one another by blood, marriage or adoption, in addition to relatives. Neither the FHA nor the cases specify the definition of family. The FHA defines familial status as stated above, and, while it could be incorporated into the definition of family, none of the cases have required it. The *Village of Palatine* Court did not question the validity of the definition of family.

It is important to note that the Zoning Code does not discriminate against these facilities in regard to other similar uses, such as convalescent, nursing or rest home, rooming house or day care. Home day care allows from three (3) to eight (8) children and is a permitted use in R-1 through R-6, similar to family care facilities. Convalescent/nursing home is a conditional use in R-5 and R-6, while rooming house is a conditional use only in R-6. Meanwhile, group care facilities are special uses in R-1 through R-6. Therefore, there is no evidence of discrimination against family and group care facilities in that regard.

Group care facilities are a special use in R-1 through R-6 and are treated as such in Section 155.219, which is appropriate. Similar comments apply as to Conditions 1, 3 and 4 for family care facilities. As to Condition 2, which requires off-street parking for vehicles of residents and staff, an argument can be made that these types of facilities are similar to rooming houses, which are required to provide 2 spaces plus 1 for each room for rent. However, there is no case law to support parking requirements and other zoning codes did not require additional parking. Therefore, the conservative approach would be to default to the present code requirements.

Group Care Facilities.

4. Condition (3) requires the structure to meet the requirements of all applicable building, fire and health codes. There are no similar requirements for other permitted or conditional uses (conditional uses require the use to comply with applicable regulations, but is not specific to the structure). Therefore this provision appears discriminatory under *City of Chicago Heights*, and we recommend that it be deleted, though it goes without saying that compliance with other applicable codes is required.
5. Condition (4) states that "(n) off-street parking is provided in required front or rear yards." However, Section 155.602(A)(3)(d) provides that off-street parking can be provided in any yard, except the front or corner side-yard in R-4, R-5, O and I. In R-1 and R-2, no more than 2 parking spaces are allowed in the required front and corner-side yards overnight and no more than 3 spaces in the required rear yard overnight. Condition 4 discriminates by prohibiting parking in the required front or rear yards and should be deleted to default to the general off-street parking provisions in Section 155.602.
6. Condition (5) requires family care facilities to comply with the requirements and standards for a conditional use. In effect, a family care facility is a permitted use in R-1 through R-6, subject to the conditions of a conditional use. This inconsistency should be resolved by deleting requirements of a conditional use, though it may be subject to certain other conditions.

three relatives. Similarly, in *City of St. Louis* the ordinance was found to be valid though it limited the number of non-related persons who could dwell in a single family residence to three (3), while up to eight (8) were allowed in group homes. However, in *City of Edmonds* the Court determined that building code maximum occupancy restrictions are exempt from the Fair Housing FHA, but not "family composition" rules. Further, none of the zoning codes that we reviewed incorporated the FHA's definition of familial status into its definition of family, though one specifically excepted group homes from the definition of family. Therefore, the Zoning Code's definition of family appears valid under the FHA, but the Village should rely on the building code for determining maximum occupancy.

The definition of "family care facility" also appears valid. Exclusions are valid under the FHA for residents convicted of manufacture and distribution of controlled substances, persons whose disability arise from current use or addition to a controlled substance, and residents who constitute a direct threat to the health and safety of other individuals or the property of others, though other zoning codes did not incorporate that language. Additionally, the Zoning Code's restriction of eight (8) unrelated persons was approved in *City of St. Louis*, though eight (8) "plus staff" is recommended. ("Model zoning language for community residences", Community Residence Location Planning Act News, Illinois Planning Council on Development Disabilities, August 17, 1990, p. 7, "We strongly recommend that the smaller group home - family community residence - have a cap set at no less than eight residents plus support staff") Therefore, it may be advisable to allow staff in addition to the maximum number of residents, though neither the statute nor the cases specifically require it.

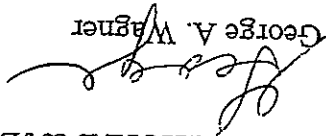
Finally, the Illinois Planning Council suggests a licensing requirement as one of the conditions for a permitted use, where the lack of such a requirement requires a special use permit. Such provisions, as in *Village of Palatine*, are worth considering.

I have drafted a letter to DuPage County stating that the Village Zoning Code is generally in compliance with the Fair Housing Act and that I have made recommendations to the Village to amend several sections to assure total compliance. Once the changes, as contained in the attached draft ordinance, have been approved, I will draft a follow up letter to DuPage County stating that the Village's Zoning Code is in total compliance with the FHA. A draft ordinance is also enclosed.

Please contact me if you would like to further discuss this matter.

Very truly yours,

KLRIN, THORPE & JENKINS, LTD.



George A. Wagner

Enclosures

cc: Thomas Bayer, Village Attorney

@PFDesktop:ODMA/HODMA/CH2KDC01;Manage:118741;1

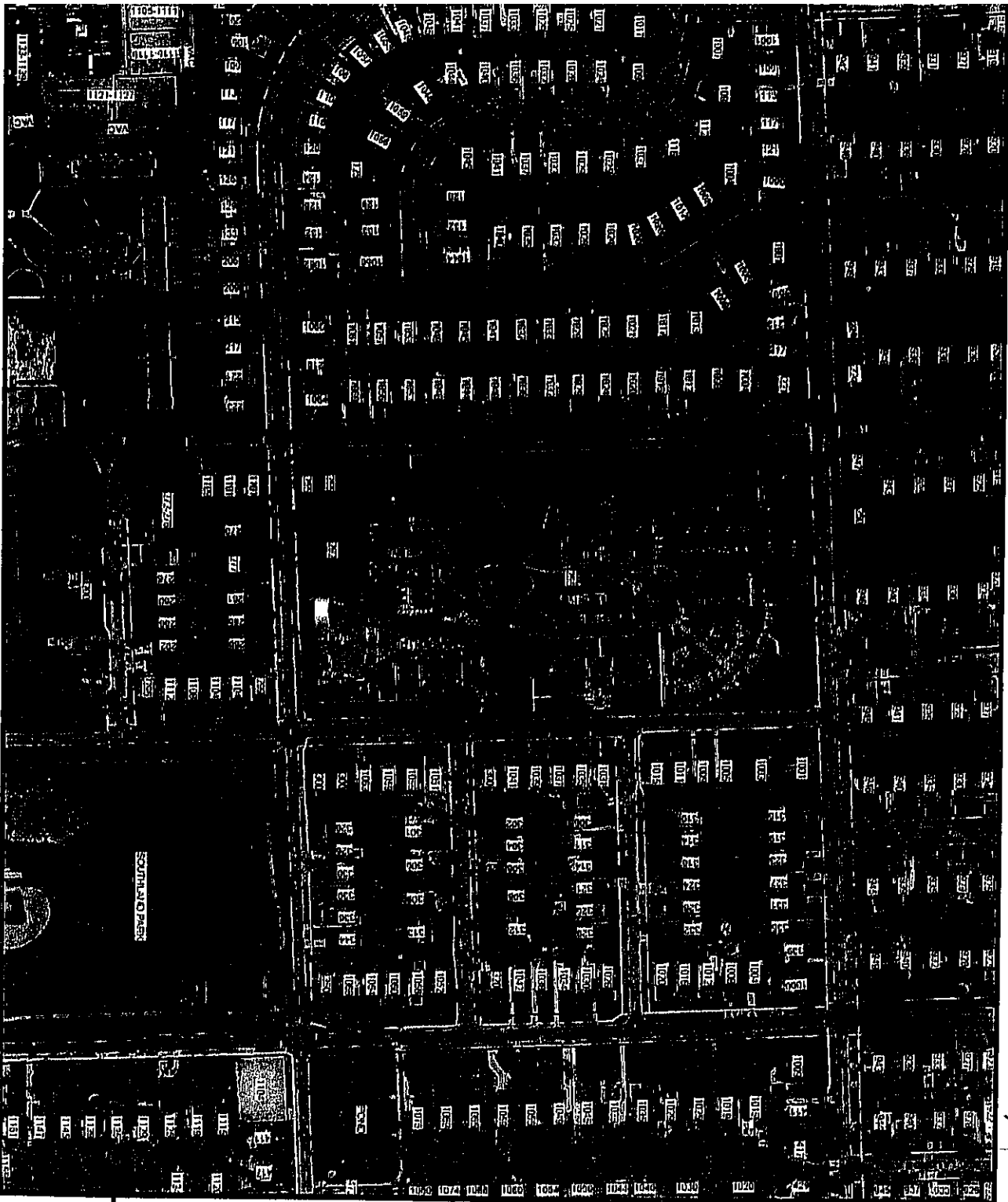
ATTACHMENT "D"

Zoning Ordinance Compliance

Location Map

ATTACHMENT "E"

Lombard Municipal Complex - 255 E. Wilson Ave Lombard, IL



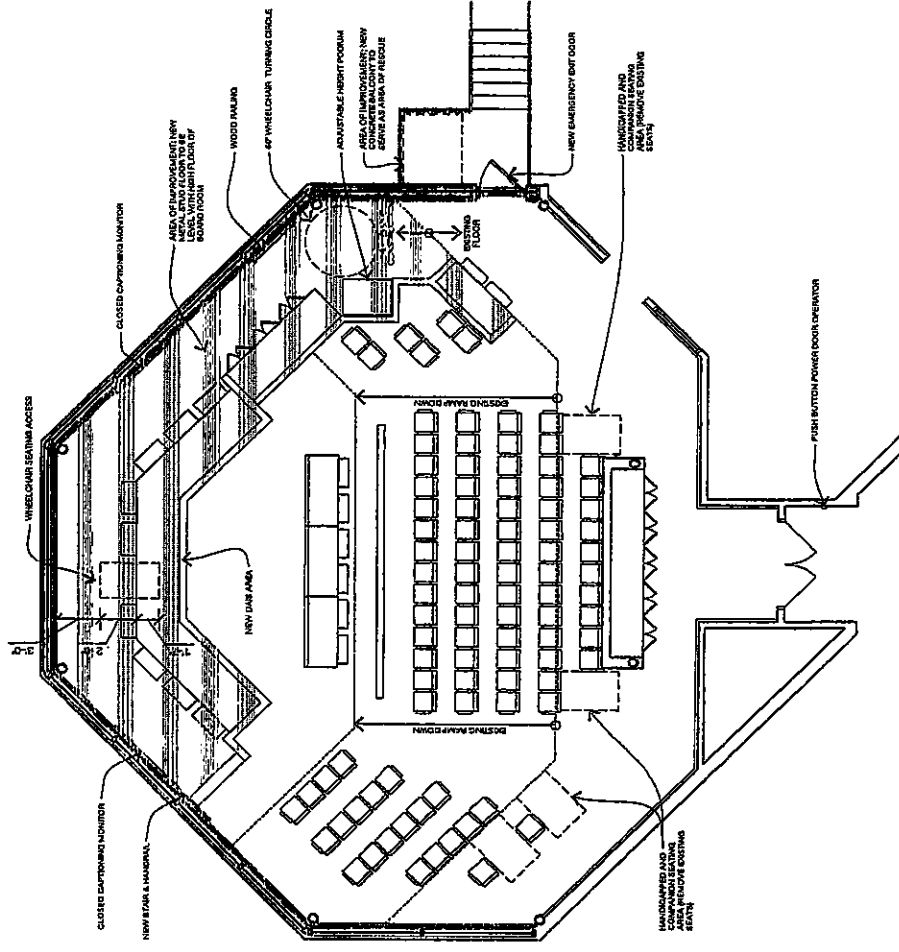
- Active Cases
- Parcel Addresses
- Centerline
- JURIS
- RIVER
- + + RXR
- TOLLWAY
- TRAIL
- - - Boundary Agreement
- Parcels
- Trustee Boundaries

315 ft



ATTACHMENT "F"

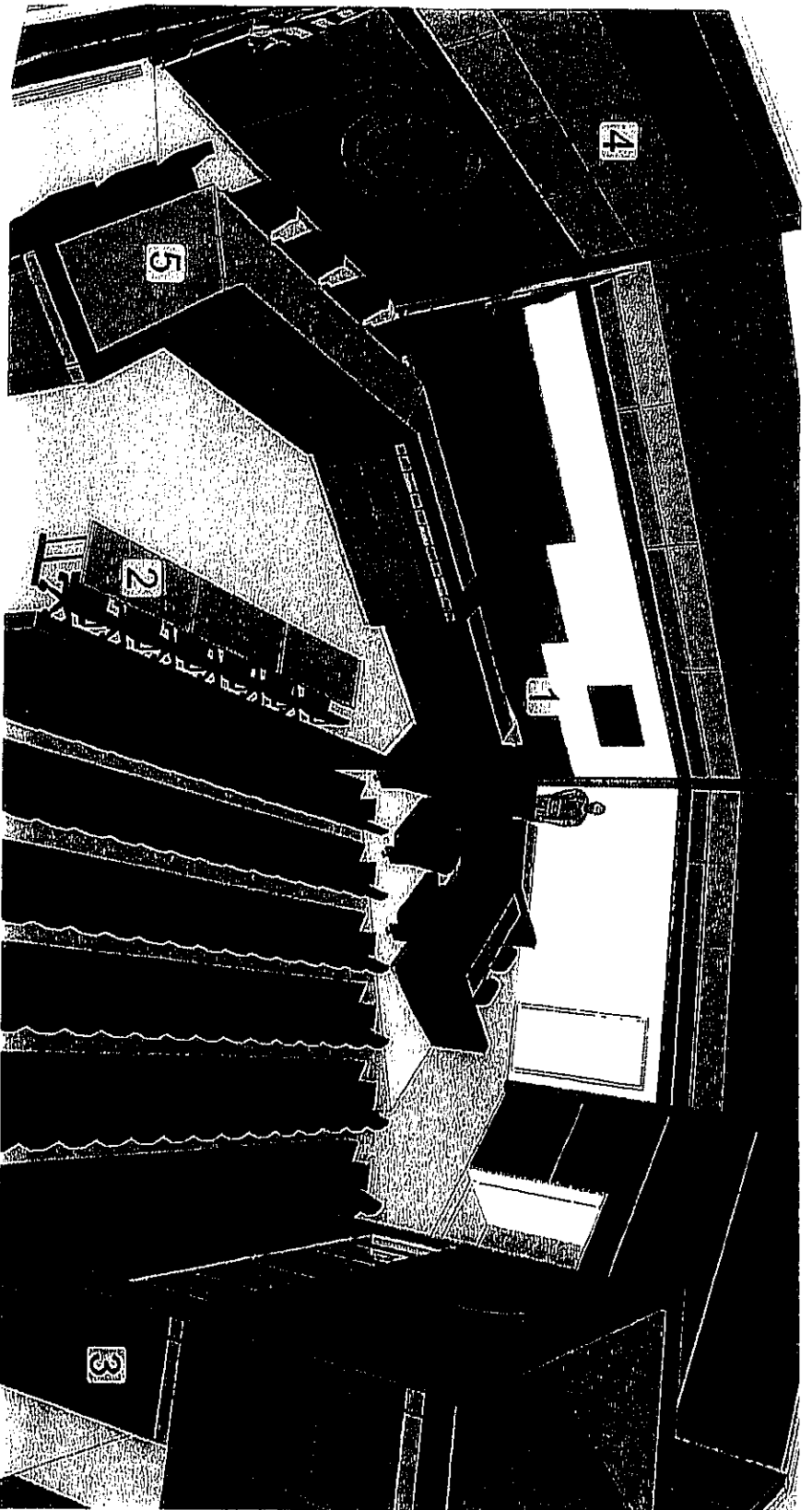
Proposed Plans



SCALE: 1/4" = 1'-0"

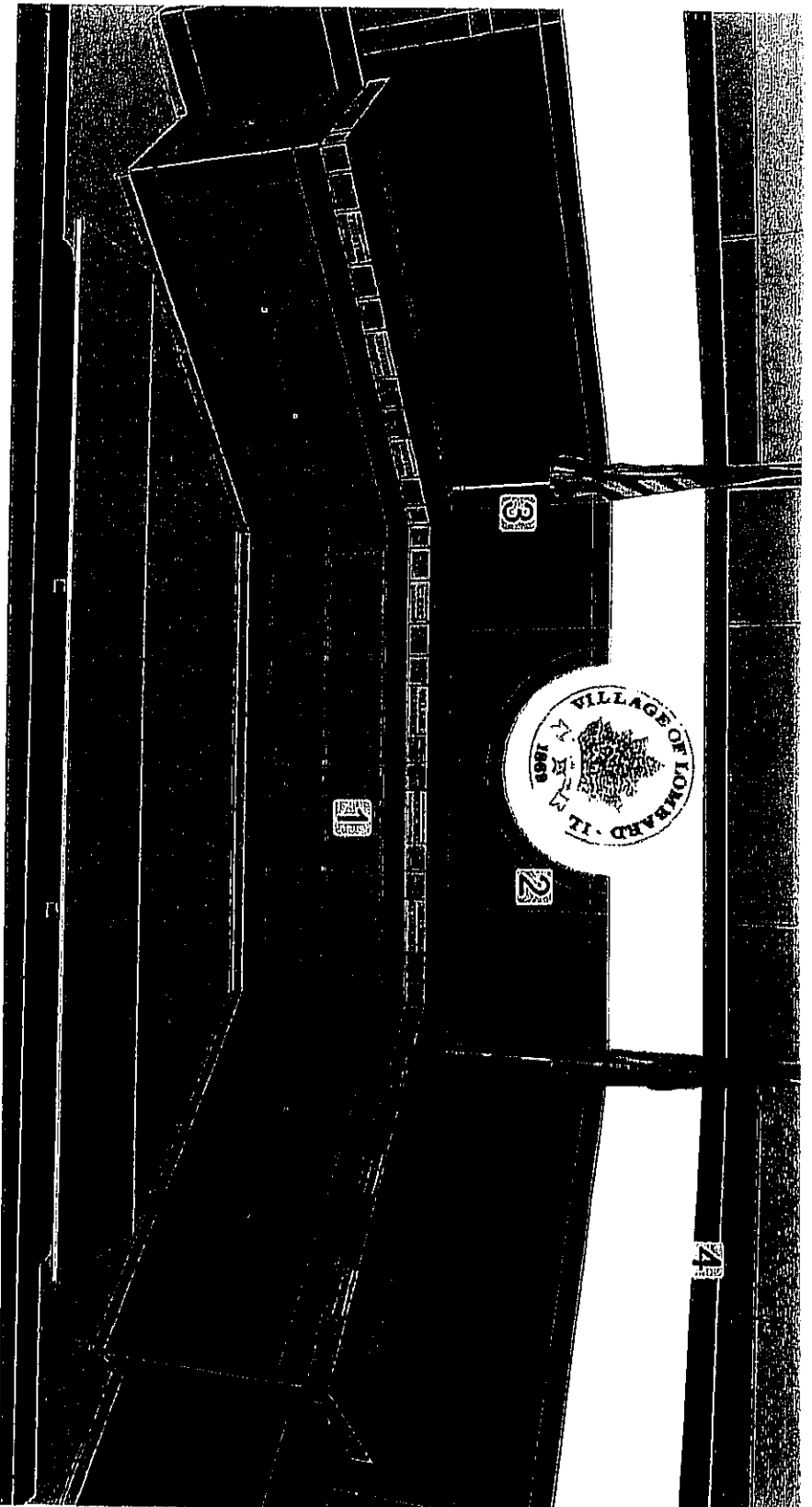
PROPOSED FLOOR PLAN

SECTION



Bird's Eye View

1. ADA - Handicapped access to the presenter area and dais area.
2. Staff seating in front of dais with privacy panels.
3. New wood paneling covering existing rear walls by entrance.
4. New dual window shade system with room darkening shade and room black-out shades for presentations.
5. Deeper work surface for dais members.



Dais View

1. ADA - A newly shaped dais that aligns with the walls behind it and opens it up better to the audience and presenter.
2. New wood paneling on back wall and around the existing Village logo.
3. Wood trim at the base of the windows to mitigate light infiltration.
4. Flag pole stanchions secured to columns in place of wide-based flag pole stands.



Presentation Area

1. ADA - Adjustable-height handicap accessible lecturn with integrated AV controls.
2. ADA - Television screen for closed captioning.
3. Integrated wood rail for presentation materials.
4. ADA - Improved emergency exit door.

ATTACHMENT "G"

Benefit to Minorities



FACT SHEET

Lombard Village, Illinois

View a Fact Sheet for a race, ethnic, or ancestry group

Census 2000 Demographic Profile Highlights:

Category	Number	Percent	U.S.	Map	Brief
General Characteristics - show more >>					
Total population	42,322				
Male	20,537	48.5		map	brief
Female	21,785	51.5		map	brief
Median age (years)	36.7	(X)		map	brief
Under 5 years	2,588	6.1		map	brief
18 years and over	32,606	77.0		map	brief
65 years and over	6,138	14.5		map	brief
One race					
White	41,627	98.4		map	brief
Black or African American	36,829	87.0		map	brief
American Indian and Alaska Native	1,141	2.7		map	brief
Asian	62	0.1		map	brief
Native Hawaiian and Other Pacific Islander	2,982	7.0		map	brief
Some other race	7	0.0		map	brief
Two or more races	606	1.4		map	brief
Hispanic or Latino (or any race)	695	1.6		map	brief
Household population	2,012	4.8		map	brief
Group quarters population	40,981	96.8		map	brief
Average household size	1,341	3.2		map	brief
Average family size	2,49	(X)		map	brief
Total housing units	17,019			map	brief
Occupied housing units	16,487	96.9		map	brief
Owner-occupied housing units	12,342	74.9		map	brief
Renter-occupied housing units	4,145	25.1		map	brief
Vacant housing units	532	3.1		map	brief
Social Characteristics - show more >>					
Population 25 years and over	29,144				
High school graduate or higher	26,353	90.4		map	brief
Bachelor's degree or higher	10,494	36.0		map	brief
Civilian veterans (civilian population 18 years and over)	3,515	10.8		map	brief
Disability status (population 5 years and over)	5,406	14.0		map	brief
Foreign born	4,850	11.6		map	brief
Male, Now married, except separated (population 15 years and over)	9,644	58.4		brief	
Female, Now married, except separated (population 15 years and over)	9,780	56.0		brief	
Speak a language other than English at home (population 5 years and over)	5,903	15.0		map	brief
Economic Characteristics - show more >>					
In labor force (population 16 years and over)	23,370	69.9			
Mean travel time to work in minutes (workers 16 years and over)	27.6	(X)		map	brief
Median household income in 1999 (dollars)	60,015	(X)		map	brief
Median family income in 1999 (dollars)	69,686	(X)		map	brief
Per capita income in 1999 (dollars)	27,667	(X)		map	brief
Families below poverty level	213	2.0		map	brief
Individuals below poverty level	1,560	3.8		map	brief
Housing Characteristics - show more >>					
Single-family owner-occupied homes	10,405				
Median value (dollars)	168,500	(X)		map	brief
Median of selected monthly owner costs	1,382	(X)		map	brief
With a mortgage (dollars)	1,088	(X)		map	brief
Not mortgaged (dollars)	295	(X)		map	brief
(X) Not applicable.					

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

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