

Dear County Board member;

With we in the industry having temporarily survived the State efforts at lifting the ban on rent control, we now face ourselves trying to make sense of our new Assessor's attempt at requiring we furnish operating data (supported by tax returns), as we see the new Assessor's methodologies resulting in substantially increased assessments on multifamily properties (as residential value go down). As we try to make sense of the impact of the Assessor's actions, we learn of the **Just Housing Ordinance**, which, it seems, the County Board **Human Relations Committee** is trying to rush through without giving the apartment industry sufficient time to properly weigh in.

Based on my quick reading, it seems that the legislation would dramatically alter the way that property owners and managers screen tenants. For years, especially in Rogers Park (remember the lean years of the early '90s), property owners were under intense pressure to properly screen the occupants in their buildings. The City and County were deeply behind this effort - creating Task Forces equipped with the power to take over buildings that owners were remiss in properly managing.

As property owners improved their processes, we now find that the pendulum has swung the other direction - where the County wants to dramatically alter our screening processes and diminish our ability to learn more about our prospective tenants.

What does this bifurcated process mean? We conduct a credit check and review employment and prior residency - and then, upon approving tenant, we need to put that approval on hold until we can then inquire about criminal background?

Do we need to engage in that process for all tenants? (Probably so, given the mandate, under Fair Housing laws, that we treat all applicants the same.)

And if we learn of a criminal background, what process are we required to follow if the prospect tries to argue that their are extenuating circumstances? Days? Weeks?

Do landlord violations of this ordinance offer tenant lawyers a chance to sue landlords individually, or by way of class actions - similar to what they do for RLTO cases?

My experience has been that criminal background checks may take anywhere from 1 - 3 days. Much can happen during that time - and tenants who might be eager to rent might develop second thoughts. Other strong prospects might make inquiries but be told that they need to wait until we learn if the existing prospect passes a criminal background.

Most property owners and managers are not experts on criminal laws. How many property owners can tell the difference between various levels of felonies and misdemeanors to come up with a rational approach to determining if their conduct offers indicia of their lack of qualifications to rent from us. What about a burglary charge? Disorderly conduct?

How can we tell if the charge for which the prospect plead guilty was part of a plea bargain - which masks more serious underlying charges that might have been committed, but were plead down due to the prospect cooperating with authorities, or the weakness of a case due to, say, sudden unavailability of a witness?

What about the rest of the tenants who want to continue on with their lives, who want to know if they are accepted into a unit - told that they have to wait as the landlord must now begin the criminal background check, instead of them starting it instantaneous with the credit check.

I am familiar with good people who previously were incarcerated and who are looking for opportunity to start a fresh life - and housing might be a challenge if they have prior offenses.

Rather than even checking for priors, many landlords might opt to forego doing any kind of criminal background check at all, and simply make their credit check and other background criteria more rigorous.

This proposed bill will undoubtedly result in many unintended consequences and needs to be fully vetted by industry folks.

Solutions that can help ex offenders looking to resume life in society must not come at the expense of property owners and investors trying to be responsible property owners and other residents simply trying to find a good apartment.

Neighborhood Building Owners Alliance

Michael Glasser, President

www.nboachicago.org