

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 12 (“HOUSING”),
ARTICLE 5 (“INCLUSIONARY HOUSING”)**

WHEREAS, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, pursuant to its Constitutional home rule powers, the Village has authority to “perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare,” Ill. Const art. 7 § 6, by adopting ordinances and promulgating rules and regulations that pertain to its government and affairs that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village Board adopted Ordinance Number 19-26 pursuant to its home rule powers to promote the public health, safety, and welfare of the residents of Oak Park by requiring residential developments or developments which contain a residential component within Transit-Oriented Development (TOD) areas to include a certain percentage of dwelling units in a proposed development to be priced affordably for low-income households or to make a payment in accordance with the terms of the Ordinance; and

WHEREAS, Ordinance Number 19-26 codified a new Article 5 (“Inclusionary Housing”) of Chapter 12 (“Housing”) of the Oak Park Village Code; and

WHEREAS, the Village Board determined to amend Article 5 of Chapter 12 as set forth herein to exclude properties that are the subject of a redevelopment agreement approved by the Village Board prior to March 18, 2019.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Chapter 12 (“Housing”), Article 5 (“Inclusionary Housing”), Section 12-5-2 (“Definitions”) is amended to add the underlined language and delete the overstricken language to read as follows:

12-5-2: DEFINITIONS:

The following words and phrases shall have the meanings set forth in this section for purposes of this article. Words and phrases not defined in this section, but defined elsewhere in this

Code, shall have the meanings set forth therein. In the event that a word or phrase is not defined, it shall have the common and ordinary meaning ascribed thereto. In interpreting the provisions of this article, if there is a conflict between a definition in this section and one found elsewhere in this Code, the definition in this section shall apply.

AFFORDABILITY PERIOD, OWNER OCCUPIED: The time during which the affordability restrictions imposed by this article shall apply to owner occupied affordable dwelling units. Owner occupied affordable dwelling units covered by this article shall remain affordable in perpetuity or as long as allowable by law. The affordability period begins at the time of first occupancy of the affected unit.

AFFORDABILITY PERIOD, RENTAL: The time during which the affordability restrictions imposed by this article shall apply to leased affordable dwelling units. Leased affordable dwelling units covered by this article shall remain affordable for a period of thirty (30) years, after which the requirements of this article cease to be controlling. The affordability period begins at the time of first occupancy of the affected Affordable Dwelling Unit.

AFFORDABLE DWELLING UNIT: All owner occupied or leased dwelling units in a covered development as defined herein.

AFFORDABLE HOUSING AGREEMENT: The document signed by the purchaser or lessee of an affordable dwelling unit at the time of sale or lease, along with such other legal documents as may be required, detailing the affordability requirements of the affordable dwelling unit.

AFFORDABLE HOUSING, OWNER OCCUPIED: Decent, safe, sanitary housing that is: a) affordable to "households that meet AMI parameters" as set forth in this article; and b) to be sold only to "qualified households" as defined herein. The cost of the mortgage payment and relevant expenses (a calculation of property taxes, homeowner's insurance, and, when applicable, condominium or homeowner association fees) of owner occupied dwelling units shall not exceed thirty three percent (33%) of the household's gross annual household income (the total income of all adults over eighteen (18) years of age in the household).

AFFORDABLE HOUSING, RENTAL: Decent, safe, sanitary housing that is: a) affordable to households with AMI parameters set forth in this article; and b) to be leased only to "qualified households" as defined herein.

APPLICANT: Any developer who applies to the Department to receive approval of a covered development pursuant to this article.

AREA MEDIAN INCOME (AMI): The median income level for the Chicago primary metropolitan statistical area, as established and defined in the annual schedule published by the Secretary of the United States Department of Housing and Urban Development and adjusted for household size.

CERTIFICATE OF QUALIFICATION: A certificate establishing a qualified household's eligibility to purchase or lease an affordable dwelling unit based on income eligibility using the HUD Part 5 verification process and asset limits, per the Village's wait list policies and procedures. Certificates of qualification shall be valid for six (6) months.

CONSUMER PRICE INDEX: Consumer price index for all urban consumers as published annually by the United States Department of Labor, Bureau of Labor Statistics.

COVERED DEVELOPMENT: A development containing twenty-five (25) or more dwelling units in a TOD area on contiguous land under common ownership or control by an applicant at one location within the Village, when such dwelling units are to be sold or leased to owner-occupants or leased to tenants for which zoning relief is sought under the Village's Zoning Ordinance. The term "covered development" and the regulations contained in this article shall not apply to a development that is designed to provide primarily affordable dwelling units, ~~or to~~ condominium developments or portions of developments that contain condominiums, as that term is defined in section 12-3-2 of this article, ~~or to~~ detached single-family dwelling unit developments or portions of developments that contain single-family dwelling units, as defined in the Village's Zoning Ordinance or to any property that is the subject of a redevelopment agreement approved by the Village Board prior to March 18, 2019. The term "covered development" includes, without limitation, the following:

- A. A development that is new residential construction or new mixed use construction with a residential component.
- B. A development that will change the use of an existing building from nonresidential to residential.

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Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

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ADOPTED this 18th day of March, 2019, pursuant to a roll call vote at follows:

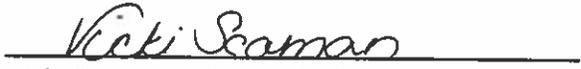
Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb	X			
Trustee Andrews	X			
Trustee Boutet	X			
Trustee Button	X			
Trustee Moroney		X		
Trustee Taglia	X			
Trustee Tucker	X			

APPROVED this 18th day of March, 2019.



Anan Abu-Taleb, Village President

ATTEST



Vicki Scaman, Village Clerk

Published in pamphlet form this 18th day of March, 2019.



Vicki Scaman, Village Clerk