

City of Chicago



O2019-5797

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 7/24/2019

Sponsor(s): Taliaferro (29)

Sigcho-Lopez (25) Rodriguez (22) Martin (47)

La Spata (1)

Sadlowski Garza (10)

Moore (17)

Vasquez, Jr. (40) Maldonado (26)

Taylor (20)

Rodriguez Sanchez (33)

Type: Ordinance

Title: Amendment of Municipal Code by establishing new chapter

entitled "City of Chicago Homes for All Ordinance"

Committee(s) Assignment: Committee on Housing and Real Estate

Committee anthousing and Real Estate

The City of Chicago Homes for All Ordinance

An ordinance concerning transparency of the Chicago Housing Authority, equitable access to affordable housing across all of Chicago's diverse neighborhoods, and the preservation of affordable housing supported by City of Chicago funds.

WHEREAS, it is a public purpose of the City of Chicago that all individuals and families in Chicago have access to safe, decent affordable housing for as long as they need it; and

WHEREAS, there is a scarcity of affordable housing in Chicago for low-income individuals and families in need; and

WHEREAS, the City of Chicago has allocated public dollars towards the development and the rehabilitation of federally supported public housing within Chicago; and

WHEREAS, the State Housing Authorities Act (310 ILCS 10/8.10) permits local governments to require a local public housing authority to report information to the local City Council for their jurisdiction; and

WHEREAS, in spite of that commitment of public dollars by the City of Chicago more than 16,000 units of public housing have been lost due to rehabilitation, demolition, disposition, redevelopment, and/or conversion since 1999. This loss of public housing has exacerbated Chicago's affordable housing crisis; and

WHEREAS, it is in the City's long-term interest to preserve the existing public housing especially when the City's public dollars are being utilized, and

WHEREAS, there is a particularly dire shortage of affordable housing for families with children, especially in predominantly white neighborhoods and in gentrifying areas; and

WHEREAS, there are some wards providing a disproportionate share of multi-family affordable housing units, while other parts of the city provide virtually none; and

WHEREAS, the entire City has a duty to affirmatively further fair housing by taking meaningful actions that overcome patterns of residential racial segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected classes; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO, AS FOLLOWS:

SECTION ONE: RECITALS. The foregoing recitals are incorporated herein as the findings of the City Council.

SECTION TWO: A new Chapter of the Municipal Code of Chicago is hereby created as follows:

Chapter The City of Chicago Homes for All Ordinance.				
	, Sections		shall be entitled and referred to	

1.1 Purpose and Intent.

The purpose and legislative intent of this Chapter is to preserve and expand deeply affordable public housing options for low-income households across Chicago as well as advance the City's desegregation. This chapter will help meet the City's goals of alleviating homelessness, preserving the net supply of deeply subsidized public housing, reducing residential racial segregation, and equalizing opportunity.

1.2 Applicability.

The provisions of this Chapter shall apply to the Chicago Housing Authority and the operation of its public housing, project-based voucher, and project-rental assistance programs, as well as any owner of a public housing project in the City of Chicago who proposes the redevelopment, rehabilitation, demolition, disposition, conversion, or new construction of all or a substantial part of a public housing development.

1.3 Definitions.

For the purpose of administering this Chapter:

"Affordable Application" means an application for approval of a residential or mixed use Planned Development for a property located in an Underserved Ward for a project in which thirty percent or more of the proposed on-site multi-family rental dwelling units constitute Affordable Housing at levels equal to what is provided by deeply subsidized federal housing programs where tenants pay no more than 30% of their income towards rent.

"Chicago Housing Authority" means an Illinois municipal corporation, created and existing under the Housing Authorities Act, 310 Ill. Comp. Stat. 10/1 et seq. CHA is a Public Housing Agency within the meaning of 42 U.S.C. § 1437 and administers federally subsidized and assisted housing as authorized by the United States Housing Act and implementing federal regulations.

"City public dollars" means any financing appropriated or approved by the City of Chicago for the rehabilitation, demolition, disposition, conversion, redevelopment, or new construction of a public housing, including but not limited to bond financing, LIHTC grants, CDBG, HOME, TIF, and revolving loan funds.

"Community areas" are geographic areas which are designated pursuant to Chapter 1-14 of the Municipal Code of Chicago.

"Commissioner" means the Commissioner of the Chicago Department of Planning and Development or its successor agency or any successor agency.

"Conversion" or "convert" means, unless otherwise indicated, the act of changing or substantially altering the operation and affordability of all or a part of a federally-assisted housing development, including by disposition, sale, conversion, demolition, conversion of assistance through Rental Assistance Demonstration, or other actions.

"Covered project" means public housing as defined below.

"Covered unit" means an apartment or housing unit where public housing subsidy is attached to the unit.

"Department of Planning and Development or its successor agency" means, unless otherwise indicated, the Chicago Department of Planning and Development or its successor agency or any successor agency.

"Developer" means any person who develops housing units, but does not include a lender or any governmental entity.

"Standing public housing units" mean public housing units still in existence at the time of enactment of this Ordinance. "Standing units" does not include public housing units demolished or converted prior to the date of enactment of this Ordinance.

"Opportunity Community" or "Opportunity Area" for the purpose of this Chapter means a ward where less than 10% of the ward's housing stock is provided as dedicated affordable housing.

"Land swap" means the disposition of vacant land with the City of Chicago in exchange for comparable or greater acreage and/or value of land for CHA development of mixed income residential housing, commercial, or other uses.

"Low, very low, and extremely low-income" means those families whose incomes are between 0 and 80 percent of the median income for the Chicago region, as determined by the Secretary of the United States Department of Housing and Urban Development, with adjustments for smaller and larger families."

"One-for-one basis" means replacement of any public housing unit lost due to conversion, rehabilitation, redevelopment, new construction, demolition, or disposition, with a comparable public housing unit or a project-based voucher unit for the maximum term allowable under each federal housing program as prescribed by HUD.

"Owner" means any person who alone, jointly or severally with others:

a) Shall have legal title to any premises or dwelling units, with or without accompanying actual possession thereof; or

- b) Shall have charge, care or control of any premises, dwelling or dwelling unit as owner or agent of the owner;
- c) "Owner" includes the owner, his agent for the purpose of managing, controlling or collecting rents, any other person managing or controlling a building or premises or any part thereof and any person entitled to the control or direction of the management or disposition of a building or of any part thereof.

"Public housing" means housing as defined in the United States Housing Act of 1937, as amended (42 U.S.C. § 1437) and its regulatory and administrative authority.

"Replacement housing" means public housing units, or project-based vouchers. It does not mean tenant-based Housing Choice Vouchers.

"Section 3 hire" means any person hired according to programs described in Section 3 of the Housing and Urban Development (HUD) Act of 1968.

"Underserved Ward" means a ward in which less than ten percent of its total occupied multi-family rental units are any form of family-designated affordable housing supported through the Housing Choice Voucher program, the CHA public housing, scattered site, or project-based rental assistance programs, HUD's project based section 8 program, the Low-Income Housing Tax Credit, the Low Income Housing Trust Fund, and the City of Chicago Affordable Requirements Ordinance.

1.4 Transparency and Reporting by the Chicago Housing Authority.

- A. To ensure that the Chicago Housing Authority is using available public resources to the fullest extent and in a manner that reduces entrenched patterns of racial segregation and promotes housing options in opportunity communities and across Chicago, the Chicago Housing Authority will come before the City of Chicago Committee on Housing and Real Estate quarterly to present on:
 - (1) Accumulated unspent revenue, both restricted and unrestricted;
 - (2) Its one-year and five-year capital plans
 - (3) Its progress and plans for building replacement public housing units;
 - (4) Its progress and plans for meeting CHA's obligation to rebuild family public housing units of equivalent bedroom sizes to the units demolished under the Plan for Transformation in accordance with Section 1.6;
 - (5) Its progress and plans for ensuring equitable and proportional access to CHA programs for low-income individuals across all city communities and constituencies;
 - (6) The number of vacant and offline public housing units by ward, and the amount of time units have been vacant in each development;
 - (7) Housing Choice Voucher Funding utilization rate, with a breakdown on what funds appropriated through the HCV line item are being used directly

- to issue housing choice vouchers, project-based vouchers or property rental assistance contracts, what funds are being used towards mobility counseling or other services, what funds being used on Administration, and any funds being re-purposed for other uses;
- (8) Average Housing Quality Standard (HQS) inspection scores by ward of all units assisted under the CHA's voucher program and the average time for resolution of HQS violations or resident complaints, ward by ward, and the number of initial inspections conducted overall per quarter relative to the number of failed and incomplete initial inspections within that quarter, ward by ward;
- (9) Data on the timeliness of the execution of the Housing Choice Voucher lease-up process, to include tables illustrating the percentage of Request for Tenancy Approvals (RTAs) that result in an initial payment issued to a landlord within 30 days of RTA submission, within 40 to 50 days of RTA submission, within 50-60 days of RTA submission, and those taking over 60 days from the date of RTA submission, and the same such tables illustrating the elapsed time between RTA submission and CHA's receipt of the approved HAP contract from the landlord.
- (10) Average voucher lease-up timetables, with information broken out about the average time it takes to secure and complete an HQS inspection;
- (11) Data on the number of Housing Choice Voucher "moving papers" issued to participants per quarter and the number of such issuances that ultimately result in a household move per quarter;
- (12) The percentage of Housing Choice Voucher program participants utilizing the exception payment standards made available through the Mobility Program;
- (13) The number of households with outstanding rights under the 10/1/99
 - Right to Return Contract and the Post 10/1/99 Right to Return Contract, including the right or preference to return to a CHA development, and an update regarding the status of all households covered by the 10/1/99 Right to Return Contract and the Post-10/1/99 Right to Return Contract;
- (14) The number of households on the CHA's combined waiting lists for housing, with a report of the demographic characteristics of those seeking housing from the CHA.
- (15) Information about the average wait time experienced by households on the CHA's several waiting lists for housing, broken down statistically by the bedroom size required by the applicant.
- (16) The number of new households housed off of the CHA's combined waitlists and admitted into any of the CHA's housing programs each quarter, as well as the number of households purged from the CHA's combined waiting lists and statistics on the reasons households have been removed from the CHA waiting lists.
- (17) A side-by-side comparison between the number of Section 3 jobs and contracting opportunities required under Section 3 versus generated in

actuality by CHA's redevelopment projects and management contracts, whether these jobs are part-time or full-time, and whether they are temporary or permanent employment opportunities. The CHA shall further report on how many of the section 3 jobs and contracting opportunities were in fact taken by public housing residents versus other qualified section 3 business concerns.

- B. The Chicago Housing Authority shall publish its report publicly two weeks in advance of each scheduled quarterly appearance before the Committee on Housing and Real Estate.
- C. To provide greater transparency on equity of access to affordable housing across the City, including in high opportunity wards, the Department of Planning and Development shall further coordinate the production of an annual report that provides for the comprehensive accounting of the number of housing units of the following housing types in each ward as well as what percent of the ward's housing stock is comprised by this housing type:

(1) Voucher-holders;

(2) CHA supported family-designated housing units in each ward, inclusive of public housing, scattered site, project-based vouchers and project-based rental assistance contract units;

(3) Project-based section 8 family-designated housing;

(4) Low-income housing tax credit (LIHTC) family-designated units supported by allocations from either the Illinois Housing Development Authority or the City of Chicago;

(5) Low-Income Housing Trust Fund units;

(6) Affordable Requirements Ordinance units and

(7) Senior housing of any subsidy type.

1.5 Waiting List Transparency and Accountability

The Chicago Housing Authority shall create an online portal that enables households on any waitlist for CHA-supported housing to identify what their position in line is. The Chicago Housing Authority shall also ensure that waitlist records are saved in two independent locations to help ensure checks and balances, accountability and proper conduct regarding waitlist management.

1.6 One-For-One Replacement Requirement of Standing Public Housing Units In Future CHA Redevelopments If City Funds Utilized

As a condition of receipt of the City's approval or appropriation of financing for the future rehabilitation, demolition, disposition, conversion, redevelopment, or new construction of all or part of a development containing standing public housing, the CHA shall ensure the replacement of all covered units standing at the time of enactment of this Chapter that are proposed for demolition, disposition, or conversion to a use other than housing for low, very low, and extremely low income tenants. Nothing with respect to this subsection

applies to covered units that were demolished, disposed of, or converted to a use other than housing for low, very low, and extremely low-income tenants prior to the enactment of this ordinance.

- (1) Not less than 20% of such replacement units shall be located in Opportunity Communities as further facilitated by Section 1.7.
- (2) Where replacement housing is provided through new construction, then such replacement units shall have the same number of bedrooms as the units being replaced, except to the extent necessary to convert studio units to one-bedroom units.
- (3) Where replacement units are produced through the acquisition or rehabilitation of an off-site existing housing stock, no more than 5% of such replacement units may be replaced with a smaller number of bedrooms than the existing units.
- (4) Replacement units shall remain public housing or project-based vouchers for the maximum allowable term under federal law subject to continued federal funding at commercially viable levels.
- (5) In addition to any other provision of law, the 10/1/99 Relocation Rights Contract and Post-10/1/99 Relocation Rights Contract shall govern the selection of residents for those residents covered by those contracts.

This Section shall not apply where any redevelopment, rehabilitation, demolition, disposition, conversion or new construction would result in less than 5% of the public housing units being lost or to meet the requirements of Section 504 of the Rehabilitation Act of 1974.

1.7 Zoning Approval Process to Ensure Desegregation of Family Affordable Housing

- A. Department of Housing shall define "Underserved Wards" annually. The Commissioner of the Department of Housing shall determine annually which wards meet the designation as an "Underserved Ward" as that term is defined in Section 1.3, and publish those findings as part of the City of Chicago's Quarterly Affordable Housing Plan Progress Reports.
- **B.** Review and Decision-Making Criteria. In reviewing and making decisions on proposed *planned developments*, review bodies and decision-making bodies must consider at least the following factors:
 - (1) whether the proposed development complies with the standards and guidelines' of Sec. 17-8-0900;

- (2) whether the proposed development is compatible with the character of the surrounding area in terms of uses, density and building scale, while prioritizing the creation of equitable and integrated living patterns throughout the city's neighborhoods, with a balance of homeownership and rental housing in each ward, with prioritization of a proposed development for multi-family rental housing in an "Underserved Ward" as that term is defined in Section 1.3; and
- (3) whether public infrastructure facilities and city services will be adequate to serve the proposed development at the time of occupancy.

C. Zoning Approval Process for Affordable Applications

- (1) Plan Commission approval of Affordable Applications in Underserved Wards. If the Plan Commission fails to take action within 90 days of the date of filing of a complete Affordable Application, said application shall be deemed approved by the Plan Commission, provided stall period shall be tolled due to any delay requested by the applicant.
 - (I) Should the local Alderman request an extension of the Plan Commission approval timetable described in 1.7C(1) and certify the extension is requested solely and explicitly for the purpose of negotiating a higher threshold of affordability than that required of an Affordable Application in Section 1.3, the Plan Commission shall approve a one-time toll period of up to 60 days.
- (2) Committee on Zoning, Landmarks, and Building Standards approval of Affordable Applications in Underserved Wards. If the Committee on Zoning, Landmarks, and Building Standards fails to take action within 90 days of the date of filing of a complete Affordable Application, or within 90 days of Plan Commission approval in the case of a Planned Development, said application shall be deemed approved by the Committee, provided stall period shall be tolled due to any delay requested by the applicant. Such application shall be reported out to the City Council at the next City Council meeting following the expiration of the 90-day period as if it were approved by the Committee.
- (3) City Council approval of Affordable Applications in Underserved Wards. If the City Council fails to take final action on an Affordable Application by the conclusion of the second meeting following the Application's reporting out from the Committee on Zoning, Landmarks, and Buildings Standards, or automatic reporting from the Committee as provided by Sec. 1.7 C(2), such application shall be deemed approved by the City Council.

D. Appeal of the Denial of Affordable Application

(1) If the City Council takes final action to deny approval of an Affordable Application in an Underserved Ward, such application shall be referred for automatic appeal to the Chicago Zoning Board of Appeals, which shall hold a public hearing to reconsider the denial in accordance with Sec. 17-13-1206.

- (2) The Chicago Zoning Board of Appeals shall review the Affordable Application using the criteria set forth in 17-13-1200 and, in its decision on reconsideration, also take into account the need for multi-family rental affordable housing in the Underserved Ward and the need to create equitable and integrated living patterns throughout all of Chicago's wards with a balance of homeownership and rental housing.
- (3) The Chicago Zoning Board of Appeals is the final decision making body on appeals. The Zoning Board of Appeals may, upon the concurring vote of three members, confirm denial or approve the Affordable Application. Every decision of the Zoning Board of Appeals on an Affordable Application must be accompanied by written findings of fact specifying the reasons for the decision.
- (4) This appeal process is not intended in any way to impede any remedies an Affordable Application applicant may have in state or federal court.

1.8 Conditions on the sale or swap of Public Housing Land

Prior to the approval of a Planned Unit Development application for any parcel of land owned by CHA or any subsidiary of CHA at the time of enactment of this Ordinance, prior to City participation in any land swap of City-owned land for CHA-owned land:

A. The Chicago Housing Authority shall present an Assisted Housing Replacement Plan to the Department of Planning and Development which meets all the criteria of Section 1.9.

The Commissioner shall not approve an Assisted Housing Replacement Plan unless it is consistent with this Chapter.

In turn, the Committee on Housing and Real Estate shall not approve any city participation in the sale or swap of land owned by CHA or any subsidiary of the CHA until such time as an Assisted Housing Replacement Plan has been approved by the Commissioner.

- B. Changes to an approved Assisted Housing Replacement Plan shall be required to undergo the same review, and be subject to the same requirements, as original approval of the Assisted Housing Replacement Plan as described in Section 1.9.
- C. The Commissioner shall publish notice in a newspaper of general circulation in the City of Chicago a notice of intent to approve an Assisted Housing Replacement Plan sixty (60) days before approving such a plan and submitting it to the Committee on Housing and Real Estate.

1.9 Approval of Assisted Housing Replacement Plan

As a condition to receiving approval for city funding or financing or approval of a Planned Unit Development application, the CHA and any developer contracted by the CHA to partner with it on a CHA redevelopment must:

- A. Submit to the Department of Planning and Development an Assisted Housing Replacement Plan which:
 - (1) Identifies specific Replacement Units for each unit proposed to be demolished, disposed of, or converted by phase; or in the case of demolition that took place prior to the enactment of this Ordinance, specifies the number of Replacement Units CHA historically committed to replace in the MTW Plan of the year CHA authorized the demolition of the units.
 - (2) Sets a timetable by phase for Demolition, Disposition, or Conversion, and the completion of Replacement Units in compliance with Sections 1.8.
 - (3) Specifies whether the Replacement Housing Plan meets the threshold of siting no less than 20% of future replacement public housing units in opportunity communities or, if not a description of what demonstrated efforts were made to site replacement housing in opportunity communities and why those efforts failed, as well as all other relevant requirements of 1.6.
 - (4) Identifies sources of potential available subsidy and financing that are sufficient to produce and operate the Replacement Units planned in Phase 1 of the redevelopment.
 - (5) Provides any other relevant information as required by the Commissioner.

The Commissioner shall not approve an Assisted Housing Replacement Plan unless it is in compliance with this Ordinance.

In turn, the Committee on Housing and Real Estate shall not approve any city funding or financing, or any Planned Development Application until such time as an Assisted Housing Replacement Plan has been approved by the Commissioner.

Changes to an approved Assisted Housing Replacement Plan shall be required to undergo the same review, and be subject to the same requirements, as original approval of that plan.

The Commissioner shall publish notice in a newspaper of general circulation in the City of Chicago a notice of intent to approve an Assisted Housing Replacement Plan sixty (60) days before approving such a plan and submitting it to the Committee on Housing and Real Estate.

2.0 Review of Proposal for Phasing

Proposals for projects to be constructed in phases shall be reviewed by the Department of Planning and Development under the criteria set out in Section 1.6, Section 1.8, and 7

Section 1.9. A schedule setting forth the phasing of the total number of units in a covered project, along with a schedule setting forth the proportional phasing of the required replacement housing units, shall be presented to the Commissioner for review and approval as part of the funding and/or Planned Development Application approval process, for any development subject to the provisions of this article. If phasing is not included as part of the review process, no phasing of the replacement housing units shall be allowed.

If a covered project is approved to be constructed in phases, the requirements of Section 1.6, Section 1.8, and Section 1.9 shall be applicable to each such phase.

Replacement housing units shall be made available for occupancy on approximately the same schedule and in a proportional manner to any market rate units in the covered project except that certificates of occupancy for the last ten percent (10%) of the market units shall be withheld until certificates of occupancy have been issued for all of the replacement housing units required. With respect to covered projects to be constructed in phases, certificates of occupancy may be issued on a phased basis consistent with the conditions of approval set forth previously in this Section.

2.1 Relationship to Provisions of the Chicago Municipal Code.

Nothing in this ordinance shall be construed as creating an exception to compliance with Title 13 (Building and Construction), of the Chicago Municipal Code or preventing City departments from ordering that a building be vacated as set forth in Chapters 13-8 or 13-12 of the Chicago Municipal Code.

2.2 Enforcement and Effective Date

- (a) A resident of a public housing development or individual with standing on the waiting list for CHA-supported housing who has been injured by a violation of this Chapter may institute an injunction, mandamus, or other appropriate legal actions or proceedings for the enforcement of this Chapter. In addition, any resident of a public housing development or individual with standing on a waiting list for CHA-supported housing who brings legal action pursuant to this Chapter and who is adjudged to be a prevailing party is entitled to attorney's fees and court costs.
- (b) The City shall initiate an enforcement action against any party who violates or resists enforcement of this Chapter, and fine not less than \$100.00 nor more than \$500.00 for each offense upon which a finding of liability is entered. Each day a violation continues shall constitute a separate offense.
- (c) This ordinance shall be in full force and effect 60 days after its passage by the City Council and proper publication.

2.3 Conflict with State or Federal Laws

This Chapter shall be construed so as not to conflict with applicable federal or state laws, rules, or regulations. Nothing in this Chapter shall authorize any City agency to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal laws.

2.4 Severability Clause.

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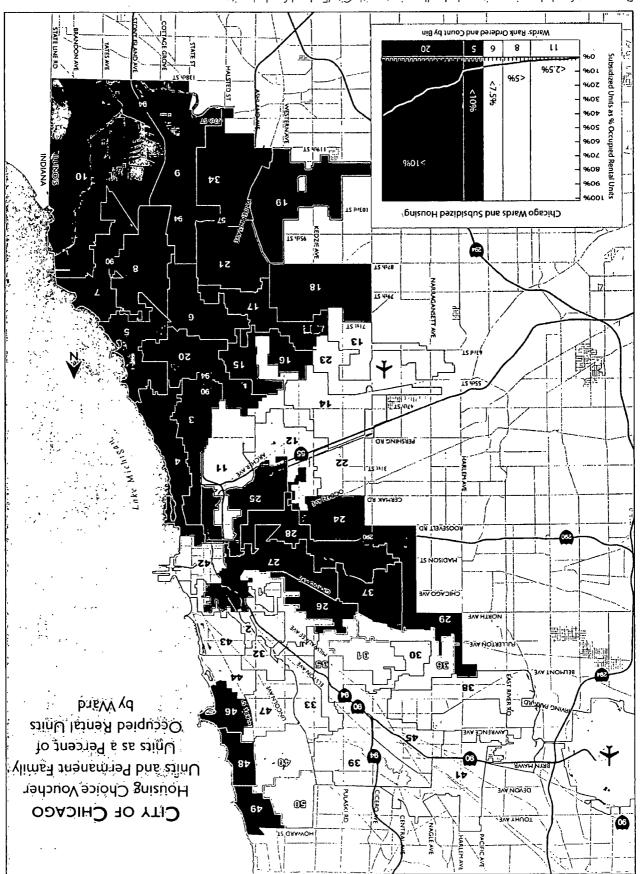
The invalidity or unenforceability of any provisions of this Ordinance shall not affect the validity or enforceability of any other provisions of this Ordinance, which shall remain in full force and effect.

Alderman Chris Taliaferro, 29th Ward MILON (22) Sany J. January (1)	Alderman Byron Sigcho-Lopez, 25th Ward (47)
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Exhibit A Depiction of Initial "Underserved Wards"

(Attached)

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OKRENT KISIEL ASSOCIATES, INC. August 2018

Permanent family housing units include all projects with City/Federal funded units approved by city Council since 1992 with no specified target population. Tract level data aggregated to Wards via area based weighted estimates. Data suppressed for tracts with fewer than 10 vouchers. Okrent Kisiel Associates, Inc. Chicago Affordable Housing Inventory. HUD eCis, Housing Choice Vouchers By Tract, July 2018. Census Bureau 2010 Summary File 1 tenure by block.

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