

ARTICLE XXIII: SOCIAL SERVICES LICENSE

SEC. 8-568. PURPOSE. The purpose of this Article is to establish standards for the licensing and regulation of facilities that provide shelter to persons who are temporarily without permanent housing, as well as related facilities. The City is responsible for ensuring the health, safety, and welfare of all citizens, housed and unhoused, in a manner that ensures clean and orderly public spaces.

The City recognizes the essential role that social service facilities, including homeless shelters, play in safeguarding the welfare of vulnerable residents. This article is not intended to restrict or stigmatize homelessness, but to ensure that facilities providing shelter and related services operate safely and equitably, in coordination with community standards for public health and safety.

Homeless shelters, by their nature as temporary, overnight accommodations, involve unique considerations relating to fire safety, occupancy and neighborhood impact that justify distinct operational standards. These standards are designed to preserve access to shelters while protecting both occupants and the surrounding community. Licensing provides a transparent, accountable process that ensures service quality, fair oversight, and a balanced approach between compassion and responsibility. The City affirms its commitment to upholding the Illinois Bill of Rights for the Homeless, 775 ILCS 45 *et seq.*, while exercising its home rule authority to promote the health, safety, and welfare of all citizens.

SEC. 8-569. DEFINITIONS. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Boarding house” – A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

“Congregate living facility” – A building or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both. Dwelling units with three bedrooms containing three unrelated persons, otherwise allowed by the City, shall not constitute congregate living facilities. Similarly, dwelling units authorized as unrelated group uses under the Zoning Code shall not constitute group living facilities.

“Detoxification facility” – Facilities that provide treatment for substance abuse, serving care recipients who are incapable of self-preservation or who are harmful to themselves or others.

“Food pantry” – a place that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be an ancillary

use of a place of worship, a social service center, a homeless shelter, or another related facility.

“Emergency shelter” – a temporary facility that provides immediate, short-term housing and basic services to individuals or families who are experiencing homelessness in a crisis situation like a natural disaster.

“Halfway house” –a transitional living facility that provides a supportive environment for individuals who are moving from a more restrictive setting (such as prison, rehab, or psychiatric care) back into society. Halfway houses often include rules and curfews, mandatory meetings or therapy sessions, substance testing, and sometimes have time-limited stays. This definition also includes halfway houses as defined in the Zoning Ordinance.

“Homeless shelter, daytime” – A facility that provides temporary shelter to individuals and/or families who are experiencing homelessness during the day without allowing them to sleep there at night. These facilities often provide a flexible space with storage for personal belongings, access to laundry, hygiene supplies, and connection with other service providers. These facilities are sometimes referred to as drop-in centers and do not operate at night.

“Homeless shelter, nighttime” – A facility that provides temporary shelter to individuals and/or families who are experiencing homelessness, allowing them to sleep there at night. Homeless shelters may distinguish populations served by age and/or gender. These facilities are primarily in operation at night, but may be in operation during the day if they also function as another kind of facility, like a soup kitchen or food pantry.

“Soup kitchen” – a place where free meals, typically hot meals like soup, are provided to people in need, especially those who are homeless, poor, or otherwise unable to afford food. Soup kitchens are usually run by charitable organizations, religious groups, or community volunteers, and they often operate on donations and volunteer labor.

“Transitional housing” – a temporary living arrangement designed to help individuals move from a state of crisis or homelessness to stable, long-term housing. Transitional housing facilities often have a time-limited stay and provide support services.

SEC. 8-570 LICENSE REQUIRED. No person shall conduct, operate, or maintain or permit to be conducted, operated, or maintained or participate in the conduct, operation, or maintenance of any facility defined by this Article unless they have been issued a license as provided for in this Article.

SEC. 8-571. LICENSE EXEMPTION. No license shall be required for a food pantry or soup kitchen when it is accessory to a church, unit of government, or non-profit entity not

otherwise regulated by this Article. This is provided that the food pantry or soup kitchen is limited to no more than twenty-five percent (25%) of the total available floor space of the principal use and operating exclusively between 8:00 AM and 8:00 PM. No license shall be required for emergency shelters established in response to a natural disaster, provided they operate for no more than thirty (30) days. Nothing in this article shall be construed to regulate residential care homes, both small and large, for people who have a disability as defined by the Americans with Disabilities Act (ADA). Also exempted from this Article are any group homes already licensed by the Illinois Department of Children and Family Services (DCFS), facilities providing temporary protection for persons escaping domestic violence, and non-profit restaurants operating using a pay-what-you-can model of service.

SEC. 8-571.1 WAIVER OF REQUIREMENTS. An applicant may request, either through the initial application process or any subsequent appeal, to waive any of the requirements outlined in subsections 8-572 “License Application,” 8-575 “Standards for Issuance of License, or 8-577 “Additional Requirements for Homeless Shelters.” No waiver shall be permitted for any building code or fire code compliance. The applicant must note on their application that they are requesting a waiver of one or more requirements and provide the rationale for the request. The City Manager or designee may grant the request, but must provide a written finding to accompany any waiver, identifying the specific provisions waived, the factual basis for the waiver, and how the waiver continues to protect public health, safety, and welfare. A denial of any waiver may be appealed through the process in subsection 8-580, and the City Council may grant or deny a waiver request as part of the appeals process.

SEC. 8-572. LICENSE APPLICATION. Application for a license shall be made to the City in such form and manner as may be prescribed by the City Manager or their designee. The application shall contain the following.

- A. The location of the premises for which a license is sought.
- B. The name and address of the applicant if an individual. If a firm, partnership, corporation, or association, the principal address of the entity and the name and address of its officers shall be required.
- C. Proof of IRS 501(c)(3) status, registration with the State Attorney General or Secretary of State if applicable, and evidence of good standing with the State.
- D. Proof of liability insurance and any other insurance policy held by the organization.
- E. Description of all programming and activities to take place at the premises with a summary of services offered, target populations, and community impact. This should include the proposed maximum number of persons to be housed or served at the facility as well as the days and hours of operation.
- F. The names and job descriptions of the staff under whose management or supervision the facility will be operated.
- G. The date of zoning action if it had been required for the proposed use.
- H. A facility plan showing a floor plan, identifying different rooms and their uses, as well as any proposed changes to the layout. An outdoor space for use by patrons

of no less than one hundred square feet (100 sq. ft) surrounded by a six-foot (6') fence must be included in the facility plan.

- I. For shelters, guidelines to be utilized for the operation of shelter, including but not limited to such policies as admission criteria, procedures for linkage with social service agencies, procedures for termination of stay, and emergency response plans.
- J. Information on any relevant experience the applicant may have in running a similar program.
- K. Such other information as the City Manager or their designee may require to implement this Chapter.

SEC. 8-573. FACILITY INSPECTION. Upon receipt of a complete application, an inspection of the premises by emergency responders and code officials shall be undertaken. The applicant shall afford representatives of the City a reasonable opportunity to inspect the applicant's location for which the license is requested. Said representatives shall also be able to interview the applicant's agents and employees. During the term of licensure, the City may conduct routine inspections of the shelter. Except in emergencies or inspections authorized through the building and fire code, a twenty-four (24) hour notice shall be provided prior to a routine inspection.

SEC. 8-574. NOTICES TO ADJACENT PROPERTY OWNERS. The City Manager or their designee shall, upon receipt of a complete application, notify adjacent property owners of the application. The notice shall contain a summary of the proposed facility, identify the organization that seeks to operate the facility, provide any other information about how the facility shall operate, and ask recipients whether or not they oppose the proposed facility. Notices shall be mailed to the owners of record at all properties within five hundred feet (500') of the parcel boundary where the facility is proposed. A notice stating the same information no less than one square foot (1'x1') in size shall be posted on or near the main entrance of the property where the facility is proposed as well. It shall be clearly visible from the primary public right-of-way. The City Manager or their designee shall allow for a thirty-day public comment period starting the day the notices are mailed and posted. Comments shall only be accepted in writing.

SEC. 8-575. STANDARDS FOR ISSUANCE OF LICENSE. Upon a review of the application, completion of an inspection, and conclusion of the thirty-day public comment period, the City Manager or their designee shall determine whether or not to issue a license based upon a balancing of the following factors, giving due consideration to public health, safety, and welfare. No single factor shall be determinative, and the City Manager or their designee shall weigh all relevant circumstances in reaching a decision.

- A. The application materials submitted are complete and accurate.
- B. An inspection of the proposed facility has demonstrated compliance with all applicable zoning, building, health, and fire codes adopted by the City.
- C. Community comments shall be considered as part of the overall record but shall not alone determine whether a license is issued.
- D. There are no facilities of the same kind within one thousand feet (1,000') of the proposed facility as measured from parcel boundaries.

- E. There are no child care providers, day care providers, pre-schools, schools, school-related facilities, or any institution of higher learning within one thousand feet (1,000') of the proposed facility as measured from parcel boundaries.
- F. There are no public parks, park facilities, or public recreational facilities of any kind within one thousand feet (1,000') of the proposed facility as measured from parcel boundaries.
- G. The City Manager or their designee believes that issuance of the license is in the public's best interests and will not adversely affect or have a substantial impact upon the public health, safety, or welfare of the City. The City Manager shall consider all relevant facts, including but not limited to, the application packet submitted by the applicant.

SEC. 8-576. LICENSE TERM AND RENEWAL. All licenses shall be issued on an annual basis with their expiration date being one year from their issuance date. Licenses shall not be non-transferable and shall be displayed in a conspicuous place near the main entrance inside the facility. Applying for a license renewal shall follow the same procedures as described for a first-time license application.

SEC. 8-577. ADDITIONAL REQUIREMENTS FOR HOMELESS SHELTERS.

- A. Unless otherwise restricted, the maximum number of occupants permitted to remain in any such shelter shall be determined by the Fire Marshal, pursuant to the City's Fire and Building Codes. These standards shall not be waivable.
- B. No owner, operator, or manager of a shelter shall allow a person to occupy a shelter unless said person has signed an agreement stating that they understand that the stay is for a temporary period, and does not intend the shelter to be a permanent residence. If an individual is unable to sign the agreement at the time of intake due to intoxication or similar impairment, the individual shall sign the agreement as soon as they are able to do so. Shelters shall maintain policies clarifying the intended duration of stays while connecting individuals to longer-term housing opportunities.
- C. No owner, operator, or manager of a shelter shall operate a shelter for more than twelve (12) hours per day, be it a daytime or nighttime shelter. This limitation shall be understood to mean providing sleeping space for more than twelve (12) hours in the case of a nighttime shelter.
- D. Each shelter shall be staffed with at least two (2) persons on duty and awake during operating hours.
- E. Every licensee shall keep and maintain such records and make such reports to the City Manager or their designee as may reasonably be required to implement this Article, including demographic data on who stays overnight at the shelter and the dates of stay. Data from such reports and from applications on file within the City shall be made available by the City Manager or their designee. Every licensee shall maintain an internal list of the names of all persons who stay overnight at the shelter and dates of their stays, but such records shall not be subject to inspection by the City absent lawful process.
- F. Separate sleeping areas shall be provided for men, women, and parents with children, if applicable.

- G. The owner, operator, or manager of a shelter may allow the use of smoking materials therein, but only in an area separated from sleeping areas and under the supervision of the staff of the shelter. No person shall use smoking materials in any sleeping area of a shelter.
- H. Smoke detection devices, as described in the adopted fire code, shall be installed and maintained in the manner designated in said requirements, in each shelter as follows: within each sleeping area; in each corridor with the distance between each smoke detection device not to exceed forty feet (40'); at the uppermost ceiling of each stairwell and open shaft; and in each room or area used for storage.
- I. In each temporary shelter for the homeless, a diagram shall be posted on each floor of the shelter, illustrating evacuation routes from the floor and the shelter in the event of an emergency. Such a diagram shall measure no less than twenty inches (20") square, and shall be posted in a place and manner where it will be readily visible to occupants.
- J. It shall be unlawful for any person to provide as part of the regular accommodations or services of any shelter for the homeless, any medical care or treatment, nursing care, or other health-related care unless they are appropriately licensed in the State of Illinois to do so. Nothing contained herein shall prohibit any person from obtaining emergency medical care or treatment for any occupant of such shelter in the event of an emergency, nor shall it prohibit shelters from contracting with, or permitting, licensed medical providers to provide on-site care.
- K. No person shall own, operate, or manage a shelter except on a not-for-profit basis and without charge to occupants thereof. However, occupants may be required to do work to maintain shelter facilities in exchange for shelter accommodations.
- L. No owner, operator, or manager shall knowingly allow a shelter occupant to bring weapons, alcohol, or unprescribed drugs into the shelter. All contraband shall be confiscated prior to entry into a shelter and may be returned to occupants, unless retention is otherwise required by law.
- M. Shelters shall establish reasonable policies to manage storage of personal belongings, consistent with safety and fire regulations, while respecting individuals' rights in their private property.
- N. Shelters must participate in the Northwest Illinois Continuum of Care and its coordinated entry program.

SEC. 8-578. VIOLATIONS. The City Manager or their designee shall have authority to issue written notices of violation to licensees. Such notices shall specify the particular violations and the time allowed for correction.

SEC. 8-579. LICENSE REVOCATION. Whenever the City Manager or their designee determines that a violation has occurred which endangers or threatens the life, health, safety, or welfare of people at a facility regulated by this Article or to the public as a result of said facility, the City Manager or their designee shall revoke the facility's license. Notice of revocation shall be in writing. Said notice shall be mailed to the property owner of record, the mailing address of the organization operating the facility if it is different, and posted on or near the main entrance of the property where the facility is operated. Where determined necessary, said notice shall contain an order for evacuation

of the occupants, immediate correction of the violation(s), or such other measures which the City Manager or their designee determines to be required. The City Manager or their designee may also revoke the license of a facility for any uncorrected violation within the specified time or for repeated violations.

SEC. 8-580. APPEALS. Whenever the City Manager or their designee refuses to issue a license, refuses to renew a license, or revokes a license, the applicant or organization may appeal. Such an appeal must be submitted in writing within seven (7) days to the City Manager or their designee. The appeal shall clearly state how the applicant or organization meets or will meet the requirements of this Article. Upon review of the appeal, the City Manager or their designee shall consider such arguments and the pertinent facts before issuing a formal response. Said response shall be in writing and issued within seven (7) days. The decision of the City Manager or their designee may be appealed to the City Council. Such an appeal shall be in writing and submitted within seven (7) days. The Council shall consider such an appeal at its next regularly scheduled meeting or within thirty (30) days. A simple majority vote shall be required to grant an appeal. The decision of the Council shall be final. Upon written request by the applicant/licensee, the appeal may be expediated to the next available council meeting or within fifteen (15) days, whichever is sooner, when weather or emergency conditions make delay unreasonable.

SEC. 8-581. FEES AND FINES. License applications and renewals shall be subject to a non-refundable fee of five hundred dollars (\$500). Any person violating any of the provisions of this Chapter is subject to prosecution and shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) for each offense. A separate and distinct offense shall be considered as having been committed for each and every day on which a violation is found to exist.

SEC. 8-582. SUMMARY ACTION. Nothing in this Article shall be construed to mean that the City lacks the authority to immediately order the closure of a facility if it is determined to be an immediate and serious menace to public health, safety, and welfare. Nothing in this Article shall be construed or applied to discriminate against persons nor to unduly restrict access to housing or shelter in violation of any federal or state law.