


PLANNING/COMMUNICATIONS

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Daniel Lauber, AICP

Scope of Services

Attorney/Planning Consultant. Planning/Communications {1979+} and the Law Office of Daniel Lauber {Nov. 1985+}

- „ Our approach is to *prevent* problems for our clients and achieve their goals *without* having to resort to filing a lawsuit.
- „ We conduct Analyses of Impediments to Fair Housing Choice for local jurisdictions that receive CDBG funds as required by the U.S. Department of Housing and Urban Development.
- „ We conduct studies of housing needs and provide expertise on techniques to preserve existing affordable housing and generate new affordable housing.
- „ We devise and implement strategies to win zoning approval for developments of all sizes and types that can generate neighborhood opposition. We have successfully neutralized neighborhood opposition many times by candidly providing actual facts about the proposed use and its occupants. We maintain our credibility with the public by working only for developments we believe are permissible under the law.
- „ We provide legal representation of applicants before local zoning bodies, including land uses such as group homes, recovery communities, and other developments that often generate substantial neighborhood opposition.
- „ We serve as expert witnesses before local zoning bodies and in court cases.
- „ We provide consulting services to municipalities, counties, and states on planning, zoning, housing, and fair housing matters.
- „ We design and conduct random sample surveys of citizens and other populations using sound, scientific methods that produce accurate, representative results.
- „ Extensive nationwide expertise on revising zoning codes to bring their regulation of community residences for people with disabilities (group homes, halfway houses, recovery communities) into compliance with the Fair Housing Amendments Act of 1988. Revisions are supported by preparation of a thorough report that provides the planning rationale that enables the jurisdiction to legally regulate community residences.
- „ Extensive nationwide expertise on representing operators of community residences for people with disabilities to obtain zoning approval to establish community residences. Efforts include educating local officials on the Fair Housing Act's requirements regarding community residences so that, in some instances, they come to agree that the proposed community residence is a permitted use under the jurisdiction's current zoning. Efforts also include working with the surrounding neighborhood to prevent neighborhood opposition.
- „ We provide other planning and legal services as needed including developing land-use regulations and comprehensive plans for municipalities; site selection; developing affordable housing policy and programs; and public relations and communications. Activities include legal representation, expert testimony, report and plan preparation, editing, publishing,

research, grant and proposal writing and design, book design and publishing, and Windows computer upgrades, construction, and repair.

„ We turn local government studies, plans, and zoning codes into clear, understandable, and visually pleasing documents that a lay person can understand.

Prior Professional Experience

Lecturer. Department of Sociology and Anthropology, Loyola University of Chicago {Autumn 1989}

Taught undergraduate course, Sociology 125 — Chicago: Growth of a Metropolis primarily to juniors and seniors. Course combined sociology, urban planning, and urban history to expand upon the usual course curriculum offered.

Researcher. Lawyers Committee for Better Housing, Chicago, Illinois {Summer, 1983}

Prepared detailed study recommending reforms in the housing receivership process for Illinois municipalities. Prepared for Chicago Mayor Harold Washington's Transition Team.

Adjunct Professor of Environmental Science. Division of Science, College of Arts and Sciences, Governors State University, University Park, Illinois {1979–1980}

Guest lecturer for planning courses; conducted research on effects and regulation of condominium conversions and the use of social impact analysis in municipal planning.

Columnist. *Chicago Sun–Times* {1979}

Created and wrote “CondoWatch” column, first regular newspaper feature on condominium conversion in the United States.

Senior Planner. Planning Division, Village of Oak Park, Illinois {1977 – 1979}

Researched and wrote award-winning *Comprehensive Plan 1979* in compliance with 701 Comprehensive Planning Assistance requirements; prepared grant applications and budgets; prepared zoning ordinance revisions and reports; reviewed zoning applications and proposed ordinances; worked with code enforcement personnel; supervised assistant planners; provided staff assistance to Plan Commission and Village Board of Trustees.

Senior Planner/701 Program Coordinator. Office of Research and Planning, Illinois Department of Local Government Affairs (predecessor to Department of Commerce and Community Affairs) {1975 – 1977}

Administered 701 Comprehensive Assistance Program for northeastern Illinois; prepared 701 applications and budgets; provided technical assistance by written report and oral presentation to local governments on planning, administration, risk management, home rule, downtown and economic development, annexation, incorporation, code enforcement; conducted workshops on housing; trained and supervised agency staff; prepared articles and grant applications; prepared chapters of the state land-use plan.

Research Associate. Planning Advisory Service, American Society of Planning Officials (predecessor organization to the American Planning Association) {1972 – 1975}

Researched and wrote Planning Advisory Service reports, magazine articles, and ASPO's comments on federal legislation; answered over 1,500 inquiries from planning agencies and consultants on all aspects of planning and administration.

Principal Contributing Consultant. American Bar Association Advisory Commission on Housing and Urban Growth {Spring 1975}

Researched and wrote zoning hearing examiner portion of “Improving the Administration of Land Use Controls,” in *Housing for All Under Law: New Directions in Housing, Land Use, and Planning Law*, (Ballinger Publishing Company), 1977.

Consultant. The Planning Group, Urban Investment and Development Company, Chicago, Illinois (since acquired by JMB Realty) {1971 – 1972}

Prepared study of open space programs; prepared reports on new town planning concerning: mass transit, governmental districts, annexation and PUD provisions, economic indicators, quality of life, youth needs, buyer profiles; prepare analysis of proposed purchase of industrial park.

Professional Memberships and Honors

Board of Directors:

American Planning Association (APA): President: 1985–86; Director: 1978–79, 1981–87; 1992–94; 2003–2005

American Institute of Certified Planners: President: 1992–94, 2003–2005; Commissioner: 1992–1995; 2002–2005

American Society of Planning Officials: Director: 1976–78

Oak Park Regional Housing Center: 1995–2003

Metro–Help (National Runaway Switchboard): 1977–79

University of Illinois Alumni Association: 1983–85

American Association on Mental Retardation, Region VI Executive Committee, 1988–1991; Legal Advocacy Vice Chairman: 1988–91

Additional memberships:

American Bar Association: 1983+

Committee on Regulation of Land Use: 1987–1992

Chairman, Group Home and Congregate Living Subcommittee: 1989–1992

Group Home Model Zoning Ordinance Subcommittee: 1987–1989

Committee on Condominiums, Cooperatives and Homeowner Associations, Section of Real Property, Probate, and Trust Law: 1983–85

Chicago Bar Association: 1986+

Constitutional Law and Civil Rights Committee: 2007+

Real Property Law Committee, Subcommittee on Zoning and Land Use, Vice Chair: 1989–1990; member: 1986–2001

Local Government Committee: 1986–2001

Illinois State Bar Association, 1986–2000

Local Government Committee, 1993–1994

American Planning Association, 1979+:

Ad Hoc Committee on National Housing Policy: 1987–1988

National/State Policy Coordinating Committee: 1989–1990

Planners Support Committee: 1994–1995

Awards:

2009 Best Practice Award from Illinois Chapter of the American Planning Association for *Analysis of Impediments to Fair Housing Choice in the City of Naperville, Illinois 2007*

1998 Paul Davidoff Award from the American Planning Association for demonstrating a sustained social commitment to advocacy planning in support of the needs of society's less fortunate members

1991 Illinois APA Chapter Award of Merit for Program or Project of Unusually High Merit Performed Under Serious Budgetary, Staff, or Political Constraints

1983 Illinois APA Chapter Award of Merit for Oak Park *Comprehensive Plan 1979*

Education and Bar Admission

Admitted to the Bar of the Supreme Court of the United States (March 1, 1995)
Admitted to Illinois Bar (Nov. 1985) and U.S. District Court for Northern District of Illinois (Dec. 1985)
“Fair Housing Skills Training Program” conducted by The John Marshall Law School, February 1996
Juris Doctor, Northwestern University School of Law: June 1985
Dean’s List: Autumn 1984, Spring 1983, Autumn 1983
Student Funded Public Interest Fellowship: Summer 1983
Chairman, Course Evaluation Committee, Student Bar Association, 1984–1985
Masters of Urban Planning, University of Illinois (Urbana): June 1972
Research and Teaching Assistant: 1970–1972
B.A. (sociology), University of Chicago: June 1970
Dean’s List: 1968–69, 1969–70

Consulting: Planning and Law

(Partial listing; most group home and halfway house work is listed after this section)

Planning:

Clark County, NV (2010) — Conducting an *Analysis of Impediments to Fair Housing Choice* for unincorporated Clark County, North Las Vegas, Boulder City, and Mesquite, Nevada. Publication expected in September 2010.

Murfreesboro, TN (2010) — Researched and produced *Murfreesboro, Tennessee Analysis of Impediments to Fair Housing Choice*, a 92–page study of housing, land use, transportation, employment, demographic economic, real estate practices, mortgage lending, and other factors that influence fair choice housing in this major Tennessee city that is home to Middle Tennessee State University.

Naperville, Illinois (2008–2009) — Researched and produced 79–page *Naperville Housing Needs and Market Analysis 2009*. In addition to unearthing demographic and housing market data, research included a random sample survey of residents (65.7% response rate) and one of employees (45% response rate) to identify housing preferences, location of work and home, income, current housing, future housing intentions, commuting issues, and more

Hillsborough County, Florida (2008) — Researched and produced paper on the use of accessory apartments as a tool to produce affordable housing; conducted research on the use of housing density bonuses and inclusion-ary zoning

Naperville, Illinois (2007) — Researched and produced *Analysis of Impediments to Fair Housing Choice in the City of Naperville, Illinois, 2007*, a 79–page study of housing, land use, transportation, employment, demographic economic, real estate practices, mortgage lending, and other factors that influence fair choice housing in this major Illinois city. [Received 2009 Best Practices Award from the Illinois Chapter of the American Planning Association.](#)

Park Forest, IL — Housing programs and policy

Highland Park, IL — Prepared new subdivision ordinance

Montgomery County (MD) Condominium Conversion Task Force — Conducted presentation on preserving affordable rental housing and provided consulting advice

Philadelphia, PA — Planning Department — Consulted on preserving affordable housing; conducted educational sessions for city officials on zoning for group homes

Plenary and Session Speaker, Community Living Arrangements Conference

Oak Park, IL — Designed and published award–winning *Comprehensive Plan 1979*; designed and prepared 1991 revision

American City Corporation — Conducted workshop on group housing for four city officials from Baltimore, Philadelphia, Cincinnati, and Columbus — Robert Woods Johnson program

Impacts of Landfills — Conducted research for an application for landfill in Texas

Illinois Department of Mental Health and Developmental Disabilities, Division of Developmental Disabilities — Provided technical assistance to service providers and municipal and county officials on zoning for group homes, wrote model zoning provisions for local governments, conducted workshops on group home zoning for local officials

American Invsco (Chicago) — Prepared national analysis and summary of local and state laws regulating conversion of rental housing to condominium for property acquisitions division

American Association of Retired Persons/National Retired Teachers Association — Conducted workshops on fighting inflation in housing at NRTA–AARP National Issue Forums, Milwaukee, Wisconsin and Portland, Oregon, 1981

Metropolitan Planning Council (Chicago) — Conducted research and presentation on use of low–equity cooperatives in District of Columbia and Montgomery County (Maryland)

Lincolnshire, IL — Drafted community opinion survey on planning and growth issues

Legal (may include some planning):

Legal and Planning Consultant to Clark County, NV (2006–2008) — Provided legal assistance to Clark County in defense and settlement of zoning lawsuit filed in federal court, *Nevada Fair Housing Center, Inc. v. Clark County*

Time to Change, Inc. (2006–2007)— Provided legal and planning assistance to operator to win special use permit to establish a 120–bed community correctional facility in an industrial park in Commerce City, Colorado

Recovery Resource Center (2003–2005): Completely rewrote corporate by–laws and represented the center in zoning matters in west suburban Cook County, Illinois

Oxford, Ohio (1989) — Co–conducted with Brian Blaesser a critical analysis of city’s zoning ordinance; rewrote portions of zoning ordinance

Midwest Bank Corporation of Delaware — Represented bank before Hinsdale Plan Commission. Won zoning approval for a drive–in bank facility adjacent to residential neighborhood

Golden Age Retirement Home — Served as attorney and consultant for zoning text and map amendments, special use permit

Maywood, Illinois, Plan Commission — Retained by village to interpret zoning ordinance provisions related to appeal of zoning administrators’ decision

Deer Valley Homeowners Association — Represented neighborhood association in zoning case in Will County, Illinois

Brenner Development Group — Represented residential and commercial developer to receive zoning permits from Hinsdale, Illinois, to build townhouse development

Expert Witness:

- „ *Hanna v. City of Chicago*, Case No. 03 CH 5933, Circuit Court of Cook County, Illinois, Chancery Division; Deposed expert witness for the plaintiff in August 2005. Lawsuit rendered moot when the city rezoned the subject property to its previous designation.
- „ *Shirley Berry, et. al. v. Town of Tarboro, et. al.* (Eastern District of North Carolina, U.S. District Court 4:01–CV–140–H(3) (2002–2003)— Deposed expert witness for the plaintiffs on acceptable zoning and planning practices in exclusionary zoning case. Retained by Land Loss Prevention Project. Settled favorably for the plaintiffs in 2003.
- „ Perkins Clay Partnership — Testified as an expert witness on appropriate zoning for townhouse development before Hinsdale, Illinois, Plan Commission; advised attorney
- „ Lutheran Home Services of Arlington Heights (Illinois) — Testified as expert witness on cost–revenue analysis before Arlington Heights Plan Commission

Research

Forbes magazine, Chicago bureau — Conducted research on real estate and banking practices

Levy and Erens, law firm — Prepared report on laws that restricted use of property

Daniel Edelman, Inc. (Chicago), public relations — Prepared municipal political analyses

Citizens Schools Committee — Prepared successful application for foundation funding

Group Homes and Other Community Living Arrangements

(Partial Listing)

Planning:

Governor's Planning Council on Developmental Disabilities — Conducted and published scientific study of impacts of group homes on property values, neighborhood stability, and safety in the surrounding neighborhoods; Sept. 1986

Illinois Department of Mental Health and Developmental Disabilities, Division of Developmental Disabilities, Region Two (9-county Chicago region) (1980–1981) — Managed year-long project on zoning for family and group care homes for the developmentally disabled, consisting of technical assistance, expert testimony, ordinance analysis and preparation, workshops, public education and public relations, site selection, analysis of state legislation

Philadelphia Department of Mental Health and Mental Retardation — Advised planning, law, building inspection, and zoning officials on zoning for group homes.

North Shore Association for the Retarded (name has since been changed to *Shore Community Services, Inc.*) — Devised and coordinated successful efforts to win zoning approval for group homes for developmentally disabled adults in Evanston, IL; expert witness on effects of group homes (1982)

Lake County, IL Dept. of Planning, Zoning, and Environmental Quality — Consultant to the defense in unsuccessful court challenge to location of halfway house for prison pre-parolees.

Legal (includes some planning):

Amicus Brief, *City of Edmonds v. Washington State Building Code Council*, 514 U.S. 725 (1995): Principle author of the American Planning Association's Amicus Curiae Brief on behalf of respondents. Decided May 15, 1995 for the respondents. Several observers of the case believe that this brief is one of several that had a significant influence on the outcome.

Kings Treatment Center (2008–2009) — Provided legal representation on zoning matters for group home proposals in Winfield, Kansas

Habilitative Systems (2009) — Provided legal representation on zoning matters for group home in Chicago

Hope House (2008–2009) — Provided legal representation on zoning and building code matters in Hillside, Illinois

Sequoia Recovery Services (2007–2009) — Provided planning and zoning law advice for recovery communities in Pontiac, MI

Clark County, Nevada — Conducted study and wrote amendments to zoning code for community residences for people with disabilities (2005–2006)

Open Door Rehabilitation Center (2004–2005) — Wrote zoning text amendments to provide as of right for community residences for people with disabilities in Sandwich, Illinois. Served as expert witness for these text amendments as well as area variances and special use permit for group homes for people with developmental disabilities. Prepared request to Illinois Department of Mental Health and Developmental Disabilities for waiver of license-imposed spacing distance

King's Alcohol/Drug Treatment Center (2005): Secured correct interpretation by county officials of zoning and housing code provisions for two recovery communities for young adults in Sedgwick County, KS

Independent Lifestyles (1996+): Represented this operator of group homes for the frail elderly and other people with severe physical disabilities on zoning and hazards reports issues before the City of Wauwatosa, WI (1996) and other Milwaukee-area cities including Franklin, WI (2006)

Unity House (2003–2005) — Represented recovery home for men addicted to alcohol or illegal drugs in zoning matters.

Elgin Villa (2003–2007) — Representing recovery homes for men addicted to alcohol or illegal drugs in zoning and housing code matters

Poplar Place (2004) — Secured corrected interpretation of zoning requirements to allow a group home for the frail elderly in a Milwaukee suburb

Kevin Spilsbury (2004) — Represented neighbors responding to zoning proposal for mini-institution with 56 recovering addicts and alcoholics in two adjacent houses in a fenced compound in Clark County, NV

City of Altoona, Pennsylvania (1994–1995) — Legal consultant to draft comprehensive zoning ordinance amendments to regulate group homes, halfway houses, shelters, and other community residences in accord with the 1988 amendments to the federal Fair Housing Act.

Chabad of California (1999–2001): Provided legal guidance in a variety of zoning and building code matters in Los Angeles, CA, regarding residential rabbinical schools and colleges, drug treatment centers, and recovery communities.

Yellow Brick Road Recovery Community (2001+): Represented operator in response to \$1,000 ticket from Village of Maywood, IL, for violation of the zoning code. Violation was nonsuited.

Dungarvin of Wisconsin (2001–2002): Ended efforts by LaCrosse, WI, to prohibit Dungarvin group home for adults with developmental disabilities from locating in a residential district — without having to file a lawsuit

Dungarvin of Illinois (1998–1999): Represented group home for adults with developmental disabilities in its efforts to locate in residential district in Cordova, IL (population: 600). Drafted revisions to the village's zoning code which the village board adopted with some changes that made the client's group home a permitted use.

Senior Residential Care of America (1997–1999): Represented this community-based residential facility for 20 frail elderly before the Village of River Hills, WI, in application for special use permit

City of Trotwood, Ohio (1997): Expert consultant in federal court case; wrote zoning ordinance amendments for community residences as part of proposed case settlement

City of Springfield, IL (1997): Expert witness and consultant in federal court case

Villa Family Live-In Centers, LLC (1996): Represented this operator of group homes for the frail elderly before the City of Oak Creek, Wisconsin for a special use permit

Lighthouse Academy and Residential Center (1995): Represented operator of proposed boarding school for abused, neglected, and abandoned teenagers placed by the Illinois Department of Children and Family Services seeking to locate in the City of Joliet, Illinois;

Lifecare Homes (1996–97): Represented this operator of group homes for the frail elderly before the City of West Allis, Wisconsin, for an exception to the state's 2,500-foot spacing distance

City of East Peoria, Illinois (1993) — Legal consultant; wrote comprehensive zoning ordinance amendments to regulate group homes, halfway houses, shelters, and other community residences in accord with the 1988 amendments to the federal Fair Housing Act

Jack Clark's Family Recovering Communities (1995–1996): Represented this halfway house for individuals recovering from drug and alcohol addictions for a special use permit from the Village of Maywood, Illinois

Villa Family Live-In Centers LLC (1996) — Represented operator of group homes for senior citizens with disabilities before local plan commissions and zoning boards in Wisconsin

Shelter, Inc. (1992–1993)— Consultant on site acquisition for shelters for abused children

Park District of Alsip (1990–91): Co-counsel in successful court defense against claim of violation of Fair Housing Act by group home operator. *Alsip Park District v. D&M Partnership*, Case No. 89 L 51342, Circuit Court of Cook County, IL. August 2, 1991.

Berde et al v. Albero — Consultant to attorneys for intervenors, Protection and Advocacy, Inc., Oakland, California — seeking to prevent use of restrictive covenant to exclude group home

Illinois Planning Council on Developmental Disabilities (1990–1991): Project to implement Illinois' Community Residence Location Planning Act which required all 110 home rule municipalities to prepare plans showing how they intend to amend their zoning ordinances for group homes to bring them into compliance with 1988 amendments to the federal Fair Housing Act. Conducted seven workshops for municipal officials; provided technical assistance to city attorneys and planners; wrote zoning amendments for 11 cities; appeared as expert witness before local plan commissions; wrote guidebook and legal analysis; wrote model zoning ordinance provisions; wrote report for Illinois General Assembly including recommendations for state legislative action; prepared press releases; evaluated 99 ordinances for compliance with the Fair Housing Act's 1988 amendments. **This project won the 1991 award from the Illinois Chapter of the American Planning Association for a "Planning Program of Unusually High Merit Performed Under Serious Budgetary, Manpower, or Political Constraints."**

Dungarvin, Inc. (1993) — Represented Dungarvin before Lakewood, Colorado, zoning board to obtain special use permit for group home for residents with developmental disabilities.

Proviso Family Services: Served as attorney and expert witness in public hearing for special use permit for group home for six women with mental illness. After winning approval of Maywood, Illinois, Plan Commission, the Village Board amended the zoning ordinance to make such group homes a permitted use.

West Meadowview Civic Association v. Kankakee County Training Center for the Disabled, Case No. 91–CH–80, 221st Judicial Circuit, Kankakee County, IL (1991). Served as co-counsel for defendant group home operator in challenge to group home based on restrictive covenant. Convinced plaintiff's attorney to drop the lawsuit.

Foundation for Chemical Dependency Programs (1990): Represented operator seeking zoning map amendment and special use permit to open halfway house for teen-agers in recovery from drug and alcohol addiction in unincorporated Will County, Illinois. Also handled press relations. Zoning issued by 25–1 vote of County Board despite neighbor filing petition requiring a 3/4 vote for approval. Also handled licensing issues.

Dungarvin, Inc. (1991) — Served as attorney to successfully persuade Town of Schererville, Indiana, to withdraw zoning and code objections to proposed group home.

Martin Luther Homes — Served as attorney for special use permit hearing for group home for persons with mental illness.

Expert Witness:

United States v. City of Chicago Heights, 161 F. Supp. 2d 819 (N.D. Ill. 2001) — Expert witness for the U.S. Department of Justice on zoning and planning law issues. Deposed in 2000. Identified legal issues that led to district court's summary judgment decision in favor of the United States.

Tracey P., et al v. Sarasota County, C.A. No. 8:05-CV-927-JDW-EAJ, U.S. District Court, Middle District of Florida — Expert witness for Sarasota County in federal lawsuit; deposed Dec. 20, 2006; case settled Dec. 2007.

Rimrock Foundation v. City of Billings, et al, Cause Number CV 06-162-BLG-CSO— Expert witness for Billings, Montana in federal lawsuit. Produced expert witness report that helped lead to settlement of the case (2008).

T.W. and Southern Living Centers v. City of Belleville, IL (1997) — Testified as expert witness on zoning and group home impacts in federal court case in Belleville, IL. Case No. 97-790-WDS (U.S. District Court, Southern District)

City of Mattoon v. Heritage Enterprises of Charleston, Inc., The Graywood Foundation, Inc., and Mile Stones Midwest, Inc. (1997-1998): Deposed as expert witness on group home exclusion case in state court in Mattoon, IL (Coles County Circuit Court Cause No. 97-MR-36)

Ancheta v. Westborough Homeowners Improvement Association (1997): Expert witness in California state court case involving application of restrictive covenants to group home.

Staley, Staley and Huggins v. LB Properties (1992) — Testified as expert witness in successful defense of neighbor effort to overturn ruling by East Peoria Zoning Administrator that group home (RFMS) was a permitted use. Illinois Circuit Court, Case No. 91-CH-64 (May 19, 1992).

USA v. City of Chicago Heights and RFMS, Inc. v. City of Chicago Heights, Civil Action No. 89 C 4981, U.S. District Court, N.D. of Illinois. Settled in favor of RFMS, 1990. Served as expert witness to Rosenthal and Schanfield law firm handling Fair Housing Act lawsuit against Chicago Heights for denying special use permit for group home. Resulted in settlement issuing special use permit for group home and \$45,000+ in fines and costs.

Center for New Horizons — Served as expert witness before Chicago Plan Commission seeking special use permit to establish a group home for displaced abused boys from the neighborhood; prepared argument portion of brief appealing denial of special use permit. Scheduled to appear as expert witness in court case which was eventually dropped.

Cook County Legal Assistance (Chicago) — Expert witness in successful zoning lawsuit to overturn denial of special use permit for day care center.

Expert witness on proper zoning treatment and impacts of group homes or halfway houses on property values:

w *Helping Hand Center* (2010) — Expert witness before Cook County (Illinois) Zoning Board of Appeals

w *Safehaven Group Home* (1995) — Expert witness before Cheltenham, PA, Township Zoning Board

w *Northwest Suburban Aid for the Retarded* (1994) — Expert witness in request for special use permit for group home located within 1,320-foot spacing distance

w *Oxford House-C. et al. vs. City of St. Louis* federal district court (1993) — Testified as an expert witness on behalf of Oxford House, a recovery community for people with alcohol and drug addictions.

w "K" Care, Inc. (1992) — Testified at court-ordered special use permit hearing in Lac du Flambeau, Wisconsin

w *Marshall v. L.B. Properties*, No. 91-CH-64, 10th Judicial Circuit, Tazewell County, Illinois (1992) — Testified in court as expert witness for group home operator in lawsuit that overturned the city's effort to bar two group homes for adults with developmental disabilities.

w *Martin v. Constance* (1990) — Testified as expert witness in St. Louis federal court suit under Fair Housing Act

w *ARC Community Support Systems* (1990) — Effingham, Illinois, Fair Housing Act lawsuit, settled before trial

w *Grace House* — Deposed as expert witness on behalf of halfway house for alcoholic women in Louisville, Kentucky

w *Martin Luther Homes*, group home for persons with mental illness, Pontiac, IL

w Group homes for persons with developmental disabilities:

w *Grace-Harding Homes*, Lawton, OK; Expert witness at trial on restrictive covenant to exclude group home; case decided

- w *Knisley v. Morgan County Housing*, No. 85–CH–12, 7th judicial circuit, Morgan County, Sept. 6, 1985. Expert witness for plaintiff Morrissey Construction in Jacksonville, Illinois, lawsuit. Case settled just before trial.
- w Residential Management Services, DuPont, IN (around 1990) — Testified as expert witness in state court on behalf of group home operator charged with violating zoning ordinance.
- w Corporation for Independent Living, Hartford, CT (around 1990) — Testified as expert witness in state court in successful challenge to attempt by condominium to treat group homes as businesses prohibited by condominium by–laws.
- w Clearbrook Center, Rolling Meadows, IL.
- w North Shore Association for the Retarded, Evanston, IL.
- w Macon County Community Mental Health Board, Decatur, IL (1979).

Professional Publications

(Partial listing in chronological order)

Law and Zoning (Includes Fair Housing):

Recent Cases in Exclusionary Zoning, PAS Report No. 292, ASPO, June 1973, 33 pp. Reprinted as chapters on exclusionary zoning in *Management & Control of Growth: Issues–Techniques–Problems–Trends* (Urban Land Institute, 1975, Vol. I), and in *Land Use Controls: Present Problems and Future Reforms* (Center for Urban Policy Research, Rutgers University, 1974).

Zoning for Family & Group Care Facilities, PAS Report No. 300, ASPO, March 1974, 30 pp. Frequently reprinted and entered as evidence in court cases. Established first model zoning guidelines for community living arrangements.

The Hearing Examiner in Zoning Administration, PAS Report No. 312, ASPO, 1975, 26 pp.

“Socially–Informed Planning and Decision Making: Some Preliminary Ideas,” in *Intergovernmental Planning, Approaches to the “No Growth” vs. “Growth is Good” Dilemma*. Proceedings of the Annual Summer Institute on Zoning and Planning, 1976, Bureau of Urban and Regional Planning Research, University of Illinois, 1976, pp. 29–51.

“Zoning Hearing Examiners Rescue Cities, Counties from Administrative Tangles, Rising Court Appeals,” in *Innovations*, Illinois Department of Local Government Affairs, Jan. 1977, pp. 10–11.

Guide to Chicago Zoning, Illinois Department of Mental Health and Developmental Disabilities (Illinois Department of Mental Health/Developmental Disabilities), April 1981, variable pagination.

Toward a Sound Zoning Treatment of Group Homes for the Developmentally Disabled, May 1985, 103 pp.

“Mainstreaming Group Homes” in *Planning*, Dec. 1985, pp. 14–18.

“Fair Housing Act Allows Zoning for Group Homes,” in *Planning & Zoning News*, March 1990, Vol. 8, No. 5, pp. 18–19. This article offers a preliminary evaluation of how the 1988 amendments to the Fair Housing Act affect zoning for group homes.

“Nation’s Hottest Zoning Issue: Fair Housing Act Allows Zoning for Group Homes,” in *Housing & Human Services Quarterly*, American Planning Association, Fall/Winter 1990–91, pp. 1–3.

Community Residence Location Planning Act Compliance Guidebook, May 1990, 47 pp. Explains how group homes operate, whom they house, the 1988 amendments to national Fair Housing Act, and court decisions under the 1988 amendments. Suggests four zoning approaches that comply, to varying degrees of certainty, with the Fair Housing Act. Identifies zoning approaches that certainly violate the act. Appendix includes executive summary and bibliography from Lauber’s 1986 study on the impacts of group homes on the surrounding neighborhood.

Community Residence Location Planning Act News, June 1990, 4 pp. and Aug. 1990, 14 pp. The June issue answers questions about the Illinois Community Residence Location Planning Act. The August issue contains model zoning provisions for each of the legal zoning approaches suggested in the compliance guidebook described above. The August issue also includes zoning recommendations for halfway house and hospices and a sample application form for administrative occupancy permits. Detailed commentary explains the why and wherefores of each zoning provision.

Recommendations to the Illinois General Assembly on Zoning for Community Residences, Jan., 1991, 44 pp. Prepared for the Illinois Planning Council on Developmental Disabilities, this report identifies proper zoning techniques and reviews the results of a state project to bring the zoning ordinances of 110 home rule municipalities into compliance with the 1988 amendments to the Fair Housing Act.

"Avoid Zoning Pitfalls for Community Residences," in *The Suburban Housing Newsletter*, Summer 1993, pages 1–3.

"Group Think," in *Planning* magazine, October 1995, pp. 11–13.

"A Real LULU: Zoning for Group Homes and Halfway Houses Under the Fair Housing Amendments Act of 1988," in *The John Marshall Law Review*, Winter 1996, pp. 369–407.

Planning:

"Oak Park: Integration Takes More Than a Racial Quota," in *Planning*, April/May 1974, pp. 14–17.

"Some Tips on the New Housing Act," in *Planning*, Nov. 1974, pp. 21–23.

Job Descriptions for Planning Agencies, PAS Report No. 302, ASPO, May 1974, 22 pp.

"The Housing Act & Discrimination," in *Planning*, Feb. 1975, pp. 24–25.

"Social Planning, Vancouver," in *Planning*, March/April 1975, pp. 19–21.

The Compleat Guide to Jobs in Planning, Planning/Communications, March 1976, second printing 1977, 16 pp.

Condominium Conversion Regulations: Protecting Tenants, PAS Report No. 343, APA, September 1979, 22 pp. (co-author)

"Condominium conversions — the number prompts controls to protect the poor and elderly," in *Journal of Housing*, April 1980, pp. 201–209.

"Condo conversion laws: the next generation," in *Planning*, Feb. 1981, pp. 19–23.

"Towards a Rational Housing Policy: The Role of Condominium Conversions," in *Condominium and Cooperative Conversion: The Federal Response*, U.S. Government Printing Office, 1981, pp. 284–316.

Impacts of Group Homes on the Surrounding Neighborhood: An Evaluation of Research, IDMH/DD, August 1981, 22 pp.

The Compleat Guide to Jobs in Planning and Public Administration, Planning/Communications, May 1982; second edition, 1984, 44 pp.

Achieving the Promise of Housing Receiverships, Lawyers Committee for Better Housing, August 1983, 27 pp.

"Viewpoint," (revive low-equity cooperative housing programs) in *Planning*, April 1984, p. 18.

"Condominium Conversions: A Reform in Need of Reform," Chapter 16 of *Land Reform, American Style*, Frank J. Popper and Charles Geisler, eds., Rowman and Allanheld, 1984, pp. 273–301.

Impacts on the Surrounding Neighborhood of Group Homes for Persons With Developmental Disabilities, Governors' Planning Council on Developmental Disabilities, Sept. 1986, 36 pp. Two printings.

The Compleat Guide to Finding Jobs in Government, Planning/Communications, 1989, 183 pages, ISBN: 0-9622019-0-1. Second printing, 1989. Distributed by the National Book Network.

"Racially Diverse Communities: A National Necessity," a chapter in *Challenging Uneven Development: An Urban Agenda for the 1990s*, Phillip Nyden and Wim Wiewel, eds., Rutgers University Press, 1991, pp. 49–84.

"The More Things Change," commentary in *Journal of the American Planning Association*, Autumn 1993, page 486.

Book review of "Breaking New Ground: Developing Innovative AIDS Care Residences," in *Journal of the American Planning Association*, Winter 1994, pp. 124–125.

"Racially Diverse Communities: A National Necessity," a chapter in *African Americans in Urban America: Contemporary Experiences*, Wendy Kellogg, ed., Kendall/Hunt Publishing Company, 1996, pages 180–200.

Other Professional Activities: Workshops, Speeches, Etc.

(Partial listing)

Housing:

Speaker and panelist in session "Strategies for Change," at "A Dream Deferred: Residential Segregation in Oregon," sponsored by HUD, Fannie Mae Foundation, Fair Housing Council of Oregon, et al., May 3, 2005

Speaker and panelist at the conference "The Struggle for Fair Housing: Weighing Our Progress," conducted by the Fair Housing Center of West Michigan (Grand Rapids, MI, April 29, 2004)

Speaker on preserving racial diversity at the "Fair Housing 1968–1998: Promises Kept, Promises Broken," University of Miami School of Law (Feb., 6–7, 1998)

Plenary session speaker, Annual Town and Community Planning Conference, Iowa State University: evaluated Housing & Community Development Act (Nov. 1977)

"Funding for Limited-Equity Cooperatives: An Approach for Chicago," American Planning Association Illinois/Wisconsin Conference (1979)

(Also see "Preservation of Affordable Housing — Policy and Programs" below)

Community Residences (group homes, halfway houses, recovery communities) and Fair Housing:

"Focus on Community Residences/Group Homes," part of the session "LULUs: Locally Unwanted Land Uses," American Bar Association Annual Conference, (Chicago, July 31, 2009)

"The Fair Housing Act: Group Homes and Zoning: Fair or Foul?" American Bar Association Annual Conference (Atlanta, August 13, 1991).

"Federal Statutory and Regulatory Changes in Fair Housing Amendment," Association of State Mental Health Attorney Annual Conference (Kansas City, MO, Oct. 1, 1990)

"Must Zoning Accommodate Group Homes?," Fair Housing Enforcement: A Focus on Special Issues Affecting the Disabled, Families with Children, and the First Amendment, Fair Housing Legal Support Center, John Marshall Law School (Chicago, April 28, 1995)

"Impact of Zoning on Free Housing Choices," Third Annual Fair Housing Summit of the Indiana Fair Housing Taskforce, April 10, 2000, Muncie, IN

Plenary Session Speaker, "Myths of Fair Housing," at "Fair Housing Conference," sponsored by U.S. Department of Housing & Urban Development, Municipality of Anchorage, and Alaska Chapter of the American Planning Association, Anchorage, AK. Conducted plenary session as a two-hour workshop. (April 1998)

Plenary Speech, National Conference on Technology and Politics of Planning (Illinois Planning Council on Developmental Disabilities, Chicago, April 1986)

Featured speaker, "Communities That Care: Housing for Special Populations" Conference, Wright State University Center for Urban and Public Affairs, Miami Valley Regional Planning Commission (Oct. 23, 1987)

"Handicap and Zoning Ordinances," Annual Meeting of the Indiana Consortium of State and Local Human Rights Agencies (Hammond, IN, June 13, 1996)

Speaker on zoning for group homes under the Fair Housing Act at the "Fair Housing 1968–1998: Promises Kept, Promises Broken," University of Miami School of Law (Feb., 6–7, 1998)

Faculty, Illinois Institute for Continuing Legal Education, "Municipal Law: 1987 Update," (May 20 and 28, 1987)

"Overcrowding and the Definition of Family," Illinois Chapter American Planning Association Annual Conference, June 11, 1998

"Enforcement Panel," *Opening Doors*, 14th Annual Fair Housing Seminar, co-sponsored by Cook County Commission on Human Rights, HUD, Chicago Association of Realtors, and 15 other organizations (June 3, 1994)

"Zoning Issues," 28th Annual Meeting, Wisconsin Association of Residential Facilities (June 2, 1997)

Zoning Institute (American Institute of Certified Planners): Conducted three-hour workshop on zoning for group homes (Oct. 1985)

Annual Zoning and Planning Conference, Governors State University, course on:

Zoning for Group Homes and Halfway Houses (1985)

Speaker, workshops on "Dealing with Community Fears" and "Zoning Issues," Housing Symposium on Creating Housing for People with Special Needs (Evanston Regionalized Housing Plan Committee, May 1986)

Plenary and Session Speaker, Community Living Arrangements Conference (City of Philadelphia, Sept. 1986)

"Zoning for Group Homes and Halfway Houses Workshop," Annual Zoning Institute, San Francisco (American Institute of Certified Planners, Oct. 1985)

Conducted half-day workshops for municipal planners in six-county Chicago area, Illinois Department of Mental Health and Developmental Disabilities (Feb., March, May, 1981)

"Group Homes and Halfway Houses Workshop," Zoning and Planning Workshop at Governors State University (University Park, IL, Oct. 1981)

Speeches or workshops on zoning for group homes and/or impacts of group homes:

w "Group Homes: Impacts and Zoning," Young Adults Institute National Conference (New York, April 29, 1987)

- w "Winning Zoning Approval for Group Homes," American Association on Mental Retardation, Great Lakes Region Annual Conference (Sept. 1988)
- w "Strategies to Win Community Support and Zoning Approval for Group Homes," workshop at 1988 Community Program Innovations National Conference (Boston, June 1988)
- w "Symposium on Housing for the Mentally Ill," Alliance for the Mentally Ill of DuPage County, Illinois (1987)
- w "Mentally Ill in Our Communities: Where Do We Go From Here?" Illinois League of Women Voters (1987)
- w "More Than a Place to Stay: Housing the Mentally Ill in Our Communities," Panel Speaker, Roosevelt University Public Administration Program, League of Women Voters of Cook County (Nov. 19, 1988)
- w "Group Homes: Impacts, Winning Neighborhood Support, and Zoning," 1987 TASH Annual Conference
- w Panel Speaker, North Shore Interfaith Housing Council Annual Meeting (Nov. 20, 1988)
- w Alliance for Mentally Ill of the South Suburbs (August 17, 1987)
- w American Planning Association Upper Midwest Conference (Sept. 18, 1987)
- w American Planning Association Mid-Atlantic Regional Conference (Virginia Beach, Virginia, Sept. 1986)
- w "Legal Zoning for Group Homes," Chicago Bar Association, Zoning and Land Use Subcommittee (Oct. 20, 1988)

American Planning Association Annual National Conference — Session speaker and/or moderator:

- w Low- and moderate-income housing (1974)
- w Social impact analysis (1977)
- w Impact and regulation of condominium conversion (1978, 1979, 1980)
- w Preserving affordable housing (1981)
- w How to write well (1982); Low-equity cooperatives (1985)
- w Zoning for group homes and halfway houses (1986)
- w "Opening the City to Persons with Disabilities: Transportation Accessibility and Group Homes" (1988)
- w Workshop on zoning for group homes under the Fair Housing Act (1990)
- w "Achieving and Preserving Racial Diversity," workshop (1992)
- w "Planning for Residential Integration" (1995)
- w "Zoning for Community Residences" (1996)
- w "NIMBYs and Commissioners" (1996)
- w "Preserving Racially Diverse Communities" with Professor Gary Orfield (1998)
- w "Real Solutions for Affordable Housing" (2004, 2005)

Other Planning and Zoning:

Faculty, "Ethics in Urban Planning," a mini-course in "Community Planning & Development," sponsored by the Municipal Art Society Planning Center and Hunter College, New York, NY, October 14, 2003

Faculty, *Doing Your Job: A One-Day Workshop on Local Planning and Zoning*, full-day workshops for planning commissioners, elected officials, and planners, sponsored by the Institute for Public Policy and Administration, Governors State University (University Park, Illinois):

Part I: Rockford, Matteson, Moline, Champaign (1988)

Part II: Rockford, Matteson, Oak Brook Terrace (1989)

Annual Zoning and Planning Conference, Governors State University, course on:

Recent Developments in Zoning Law, and the Zoning Hearing Examiner (1986)

"Socially Informed Planning" — Institute on Zoning and Planning, University of Illinois (Urbana), 1975, 1976

Guest Lecturer:

University of Illinois (Urbana)— social planning (1975); planning in the real world (1981)

Governors State University— socially-informed planning (1976–77, 1979)

Oakton Community College— guest lecturer on planning (1980)

Preservation of Affordable Housing — Policy and Programs

(Partial listing)

"Bringing Sense to American Housing Policy," Keynote Address, 2005 annual conference of the National Association of Housing Cooperatives, Kansas City, KS, Sept. 15, 2005; published in *Cooperative Housing Bulletin*, Nov./Dec. 2005, Vol. XXI, No. 6, pp. 1, 4, 15

"Sensible and Effective Approaches to Affordable Housing," three-hour workshop presented at *Planning at the Crossroads Regional Planning Conference*, a nine-state conference of the American Planning Association (Oct. 13, 2004)

Faculty, "Making Real Efforts Toward Affordable Housing in Your Community," a 90-minute course for the University of Wisconsin's 32nd Annual *Planning and Zoning for Community Land-Use Management* conducted in Charlotte, NC; Madison, WI; and Albuquerque, NM (Spring, 2002)

American Association of Retired Persons/National Retired Teachers Association — workshops on fighting inflation in housing at NRTA-AARP National Issue Forums, Milwaukee, Wisconsin and Portland, Oregon, 1981

Metropolitan Planning Council (Chicago) — Research and presentation on use of low-equity cooperatives in District of Columbia and Montgomery County (Maryland)

Technical Assistance Provided To:

- w Congressman Benjamin Rosenthal (New York) — basis for national legislation
- w U.S. House of Representatives, Subcommittee on Commerce, Consumer, and Monetary Affairs of the Committee on Government Operations
- w National Council of Senior Citizens
- w American Association of Retired Persons
- w Michigan State Senator Doug Rose
- w Massachusetts State Legislator John Businger
- w San Francisco Supervisor Harry Britt
- w Milwaukee County Office on Aging
- w District of Columbia, Corporation Counsel and aldermanic staffs
- w Detroit Planning Department
- w Chicago City Council Planning Departments: Chicago, Skokie, Rock Island, Evanston (Illinois)
- w Metropolitan Planning Council (Chicago)
- w Lane County Legal Aid Service, Eugene, Oregon
- w Chicago Council of Lawyers, Housing Committee
- w Conference on Alternative State and Local Policies (Washington, D.C.)
- w New Hampshire Legal Assistance Foundation (Manchester)
- w Seattle Tenants Union
- w Legal Aid Office, Northwestern University
- w Council of Tenant Associations of Southeastern Pennsylvania
- w Housing Resource Center (Chicago)
- w East Side Housing Action Committee (Milwaukee)
- w Strongforce, Inc. (Washington, D.C.)
- w Emergency Committee to Save Rental Housing (Washington, D.C.)
- w Tenants Organization of Evanston
- w Metropolitan Tenants Organization (Chicago)
- w National Tenants Union

Expert Witness

- w U.S. Senate Subcommittee on Housing and Urban Affairs, Committee on Banking, Housing, and Urban Affairs, June 28, 1979
- w U.S. House of Representatives Subcommittee on Commerce, Consumer, and Monetary Affairs, Committee on Government Operations, March 31, 1981
- w New Jersey Governor Brendan Byrne, Jan. 31, 1981
- w Milwaukee City Council, Dec. 1980
- w Montgomery County (Maryland), Condominium Conversion Task Force, Oct. 1979

- w Chicago City Council, March and Oct. 1979
- w Illinois Joint Legislative Study Committee, April 21, 1980, Feb. 8, 1982
- w Illinois House of Representatives, Subcommittee on Real Estate, Feb. 8, 1978
- w Skokie (Illinois) Village Board and Plan Commission, 1978
- w Oak Park (Illinois) Village Board and Plan Commission, 1978
- w Evanston (Illinois) Housing Commission, Plan Commission, City Council, 1978–1981

Media Appearances, Presentations, Speaking Engagements (partial listing):

- w "60 Minutes," March 29, 1981, CBS-TV
- w "The Good Day Show," Oct. 11, 1979, Boston, Massachusetts, ABC-TV
- w "Weekend Edition," 1978–79, 1981, Chicago, WLS-TV
- w "Two on Two," 1978, Chicago, Illinois, WBBM-TV
- w "Tracy in the Afternoon," Oct. 1979, WGSO (New Orleans)
- w "Contact," 1978–80, "Lee Rogers Show," 1979, WIND
- w Beverly Suburban Real Estate Board (Chicago), May 22, 1979
- w TRUST, Inc., Public Forum, Spring 1979
- w Chicago Forum, Jan. 9, 1979
- w 44th Ward (Chicago) Assembly, Nov. 12, 1978
- w 49th Ward (Chicago) Forum, 1979
- w Rogers Park (Chicago) Community Council General Assembly, 1978
- w Regional Housing Study and Action Group (Chicago), Sept. 12, 1979
- w Chicago Section, American Planning Association, Debate, Feb. 16, 1979
- w North Shore Interfaith Housing Council, Board of Directors, May 22, 1979
- w National Tenants Union Conference, speaker, 1981
- w National Tenants Day March on Congress, speaker, Oct. 20, 1979 (Washington, D.C.)
- w Illinois Public Action Council Annual Conference, 1979, (Chicago), 1981 (Kankakee, Illinois)

References available on request