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## HOW A BILL BECOMES A LAW: THE STORY OF ONE CAMPAIGN'S STRUGGLE FOR AFFORDABLE HOUSING

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LaTonya Woods is a single mother with 11 children. Her only income is \$600 in monthly disability payments for one of the children. Her family became homeless and spent time in several shelters. Eventually she moved in with her sister, and all 12 of them slept on the floor of the apartment. Her sister's family of five already lived there. Her sister wanted to let her stay, but she was afraid she would lose her apartment. Woods called the Chicago Department of Human Services seeking shelter and was told they could not help her. Dollie Brewer, Women's Empowerment Project Organizer with the Chicago Coalition for the Homeless, helped Woods find a landlord willing to participate in the Rental Subsidy Program through the Chicago Low-Income Housing Trust Fund.<sup>1</sup> This program allowed Woods to pay \$235

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\* Director of Policy for the Chicago Coalition for the Homeless (CCH). B.A., Vassar College, 1993. Throughout this article, I use the term "the campaign." This refers to the *It Takes a Home to Raise a Child Campaign*, a statewide coalition of over 150 organizations working on affordable housing initiatives. The campaign is led by the Chicago Coalition for the Homeless with Housing Action Illinois acting as our lead statewide partner. The effort to pass the Rental Housing Support Program described in this article had additional key partners which include: Business and Professional People in the Public Interest, the Archdiocese of Chicago, Illinois Community Action Association and the Chicago Low-Income Housing Trust Fund.

<sup>1</sup> The Rental Subsidy Program is a City of Chicago program that served as the model for the campaign's proposed statewide program. For more information, visit the City of Chicago website, <http://www.cityofchicago.org> (follow "Home & Property" hyperlink; then follow "For Landlord and Tenants" hyperlink; then follow "Housing Trust Fund Rental Subsidy" hyperlink) (last visited Aug. 15, 2007).

a month in rent for a unit large enough to house her family of 12.

The Rental Subsidy Program has always been popular with landlords and invaluable to extremely low-income tenants. It is usually full to capacity.<sup>2</sup> However, Woods was able to join the program because of a new influx of \$10 million in funding from the state. The funding came about as a result of a three-year campaign, beginning in 2002, led by the Chicago Coalition for the Homeless to pass legislation to create a new state-funding mechanism for rental subsidies modeled after the Chicago Low-Income Housing Trust Fund.<sup>3</sup> The newly acquired \$10 million will subsidize an estimated 1600 to 2000 households in Chicago.<sup>4</sup> Another \$15 million will be distributed statewide to subsidize another 3000 to 3500 units.<sup>5</sup> The legislation, called the Rental Housing Support Program, was an initiative of the *It Takes a Home to Raise a Child* campaign.<sup>6</sup> This article tells the story of how that campaign was won despite opposition from some of the state's most powerful politicians.

The story of winning this campaign is one with many lessons for those who fight for social justice. It is a story that exemplifies how the process that actually takes place in the state legislature is very different from what most of us think of as a democratic process. It is a story of how the process of passing legislation is controlled by a few powerful leaders and how individuals with connections to these influential leaders often get their way. It is

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<sup>2</sup> *Id.*

<sup>3</sup> Rachel Alenduff et al., *Making Rents More Affordable: The Rental Housing Support Program*, Chicago Coalition for the Homeless (Winter 2003), available at <http://www.chicagohomeless.org/factsfigures/rentalbill.pdf>.

<sup>4</sup> United States Interagency on Homelessness, [http://www.ich.gov/newsletter/archive/07-14-05\\_e-newsletter.htm](http://www.ich.gov/newsletter/archive/07-14-05_e-newsletter.htm) (last visited Aug. 15, 2007).

<sup>5</sup> Julie Dworkin, "Rental Housing Support Program Revenue Estimates" (2007) (based on HUD fair market rents and newspaper ads for rental housing). These documents are on file with the author at the CCH office, 1325 S. Wabash, Chicago, Ill. See also CCH website, <http://www.chicagohomeless.org>.

<sup>6</sup> See Alenduff, *supra* note 3.

the story of how money influences politics in large and small ways. Despite these obstacles, an organized group of homeless people can form alliances with unusual partners and overcome power and money to win the fight without compromises. The success of the campaign was due to our multi-prong approach, which included strategic relationships; media outreach; community organizing; direct action; policy and research; and most importantly, persistence.

The *It Takes a Home to Raise a Child* campaign began in 1998 in response to CCH's organizers hearing from homeless mothers about the need for more family-sized affordable housing. Many of the affordable housing units that had been created in Chicago were smaller units or single-room occupancy units because those units were less expensive to create.<sup>7</sup> When trying to provide subsidized housing to those at extremely low-income levels, it is often too costly to create large units.

The need for more affordable housing for the state's extremely low-income population was enormous. Statewide, there were 368,147 households that were earning less than 30% of the state's area median income (around \$19,000) but were paying more than 30% of their income for rent.<sup>8</sup> HUD considers paying more than 30% of a family's income unaffordable, which puts them at risk of homelessness.<sup>9</sup> The two federal programs for people at this income level had long waiting lists in 2003: 77,041 households were on public housing waiting lists<sup>10</sup> and

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<sup>7</sup> *Homelessness in Chicago*, FAR FROM HOME (Chicago Coal. for the Homeless, Chicago, Ill.), 2005, at 6.

<sup>8</sup> U.S. Census Bureau: Summary Population and Housing Characteristics: 2000 (2000).

<sup>9</sup> U.S. Dept of Hous. and Urban Dev., Who Needs Affordable Housing, available at <http://www.hud.gov/offices/cpd/affordablehousing/> (last visited Aug. 18, 2007).

<sup>10</sup> Mid-America Institute on Poverty of Heartland Alliance for Human Needs & Human Rights, *Not Even a Place in Line: Public Housing & Housing Choice Voucher Capacity and Waiting Lists in Illinois*, 10 (January 2007).

56,417 households were on Housing Choice Voucher Waiting lists.<sup>11</sup>

Early on in the campaign, Housing Action Illinois (then called the Statewide Housing Action Coalition) signed on as the statewide sponsor of the campaign.<sup>12</sup> Our first successful initiative was the passage of the Homelessness Prevention Act,<sup>13</sup> which created a state program to provide emergency rent, utility, or mortgage assistance to families at risk of homelessness. The Bill passed in the spring of 1999 and received \$1 million in funding later that year.<sup>14</sup> Over the years, *It Takes a Home* has advocated for increased funding. Now the program receives \$11 million in state funding<sup>15</sup> and has prevented nearly 53,000 households from experiencing homelessness, with more than 80% still housed at least six months later.<sup>16</sup>

In 2001 and 2002, the campaign turned its focus to the Rental Housing Support Program legislation. Many months were spent developing the concept for the program and researching funding streams used by other states. We finally landed on a program modeled very closely after the Chicago Low-Income Housing Trust Fund, a program with a proven track record of success.<sup>17</sup> The Trust Fund Board had been working for many years to iden-

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<sup>11</sup> *Id.* at 16.

<sup>12</sup> Housing Action Illinois is a statewide coalition dedicated to increasing the supply of affordable housing in Illinois. For more information about the coalition, visit the Housing Action Illinois website, <http://www.housingactionil.org/> (last visited Aug. 18, 2007).

<sup>13</sup> Homelessness Prevention Act, H.B. 2198, 91st Gen. Assem., Reg. Sess. (Ill. 1999).

<sup>14</sup> Ill. Dept. of Human Serv., *The Homeless Prevention Program* (2000).

<sup>15</sup> Gov. Rod R. Blagojevich, Illinois State Budget Book: Fiscal Year 2008, 7-31 (March 7, 2007), available at [www.state.il.us/budget](http://www.state.il.us/budget) (last visited Aug. 19, 2007).

<sup>16</sup> *Prevention Fund Newsbrief*, HOMEWARD BOUND (Chicago Coal. for the Homeless, Chicago, Ill.), Spring 2005, at 3. See also E-mail from Gerrah L. Caldwell, Program Coordinator, Ill. Dept. of Human Serv., to Julie Dworkin, Director of Policy, Chicago Coalition for the Homeless (Nov. 9, 2006, 12:59 CST) (on file with the author).

<sup>17</sup> See City of Chicago website, *supra* note 1.

tify a dedicated funding source for its program and was therefore pleased to see the program used as a model and quick to support the campaign that would result in new resources for its program.

Next, we drafted legislation that sought to create a new funding stream for dispersal to local agencies that would then provide rent subsidies to landlords. Landlords would receive quarterly subsidy payments in advance and in return would rent the unit to a tenant earning less than 30% of the area median income (\$20,254 for a family of four in Illinois in 2006).<sup>18</sup> Half of the units would have to be rented to households earning less than 15% of the area median income. The tenant would pay a very low rent based on about 30% of their income. We had not yet identified a funding stream that would both generate a significant amount of money and also be politically feasible.

A bill was introduced in the spring 2002 legislative session, but it had no funding stream attached, and it stalled early on in the legislative process.<sup>19</sup> It was difficult to get support for legislation that called for a new program that cost money but did not include a way to pay for it.

In the fall of 2002, everything changed in Springfield. The state elected a Democrat to the governor's office and Democrats controlled the State Senate for the first time since 1994. In the previously Republican-controlled Senate, very few pieces of progressive legislation even got a hearing. Now, it seemed there was a new opening. However, newly-elected Governor Rod Blagojevich was coming into the office with a budget crisis and a pledge not to raise taxes. It would be hard to find money for new programs.

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<sup>18</sup> Nat'l. Low-Income Hous. Coal., *Out of Reach 2006*, <http://www.nlihc.org/oor/oor2006/?CFID=16898297&CFTOKEN=27857553> (last visited Aug. 27, 2007).

<sup>19</sup> Rental Housing Support Program, S.B. 2039, 92nd Gen. Assem., Reg. Sess. (Ill. 2002).

Around this time CCH developed an idea for a funding stream. With data provided by some student volunteers, we were able to estimate that \$34 million a year could be generated by adding a \$10 state surcharge to the existing \$15 to \$25 county real estate recording fees.<sup>20</sup> It was a fee people paid only when doing a real estate transaction, and it was only \$10 in the context of a deal that often costs in the hundreds of thousands of dollars. It seemed passable and would fund about 5500 new units of affordable housing.<sup>21</sup>

A bill was drafted that included the newly developed funding stream. An additional provision was added in hopes of staving off some anticipated opposition. We believed that county boards might object to the Bill because they would have to collect the fee and remit it to the State. In order to head-off resistance from county boards, a provision was added that allowed the counties to keep \$1 of the \$10 collected to cover any administrative costs that the counties incurred. This amount would be quite generous in larger counties. Ironically, this provision proved to be the source of almost all opposition to the Bill.

There were three key people, all Democrats, who stood in the way of the Bill's passage: Cook County Board President John Stroger, Cook County Recorder of Deeds Eugene Moore and the Speaker of the State House Michael Madigan (D-22 Chicago).<sup>22</sup>

Stroger presided over the Cook County Board for 12 years. He was one of the most popular African American elected officials in Illinois and reigned over a huge political organization

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<sup>20</sup> Julie Dworkin, "Rental Housing Support Program Cost Estimates: Original Research" (2007) (using 2002 real estate recordings in the state's ten largest counties and U.S. Census of Population and Housing, 2000: Summary of Population and Housing Characteristics: Illinois). These documents are on file with the author at the CCH office, 1325 S. Wabash, Chicago, Ill. *See also* CCH website, <http://www.chicagohomeless.org>.

<sup>21</sup> *See* Dworkin, *supra* note 5.

<sup>22</sup> (D-22 Chicago) refers to the fact that Madigan is a Democrat in the 22nd District representing Chicago.

developed in Chicago's Eighth Ward where he served as committeeman – a position within the Democratic party that chooses which candidates are officially endorsed by the party. His organization gave him enormous power to help or harm candidates for office because he could put a great number of election workers on the streets. He also controlled many jobs – which as recent news accounts have described – may have been handed out as political favors.<sup>23</sup>

Moore was a former state representative who served in the State House under Madigan's leadership. Elected officials who have served in the position Recorder of Deeds have later moved into higher offices, including Secretary of State Jesse White and former U.S. Senator Carol Moseley Braun.

Madigan has been speaker of the Illinois House since 1983, interrupted for two years in the 1990s when the Republicans had control.<sup>24</sup> He also serves as the chairman of the state's Democratic party<sup>25</sup> and holds huge campaign coffers to pour into campaigns to protect Democratic members of the State House.<sup>26</sup>

So why would these three Democrats stand in the way of legislation imposing a nominal fee to create millions of dollars to house poor people?

### **YEAR 1: DIPLOMACY DOES NOT WORK: STROGER STOPS THE BILL**

The campaign approached State Rep. Julie Hamos (D-18 Evanston) to ask her to be the lead sponsor of the legislation. A

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<sup>23</sup> Mickey Ciokajlo et al., *FBI Raid Targets County Job Files*, CHI. TRIB., Sept. 22, 2006, at 1.

<sup>24</sup> Illinois House Democrats, Michael J. Madigan, <http://www.housedem.state.il.us/members/madiganm/> (last visited Aug. 7, 2007).

<sup>25</sup> Democratic Party of Illinois, <http://www.ildems.com/> (last visited Aug. 7, 2007).

<sup>26</sup> Eric Kelderman, *Campaign Spending Goes Different Ways*, STATELINE.ORG, Oct. 20, 2005, <http://www.stateline.org/live/ViewPage.action?siteNodeId=136&languageId=1&contentId=61660> (last visited Aug. 7, 2007).

long time advocate on poverty issues and affordable housing, Hamos at first was skeptical about the Bill's chances because of the budget crisis and the governor's opposition to raising taxes. But when she looked at the numbers and saw how much money it would generate, she decided that the Bill was worth fighting for and agreed to sign on as the sponsor.

The Bill was introduced in January 2003 as House Bill 2206.<sup>27</sup> A number of key organizations signed on as key leaders of the campaign to pass this Bill. In addition to the CCH and Housing Action Illinois, the Business and Professional People for the Public Interest, the Archdiocese of Chicago, the Illinois Community Action Association and the Chicago Low-Income Housing Trust Fund also signed on to the campaign. These organizations met regularly to shape the strategy of the campaign and had staff in Springfield working on its passage.

Another extremely important ally for the Bill was the Illinois Association of Realtors.<sup>28</sup> The Realtors' Association often opposed affordable housing legislation if it in any way raised the costs of a real estate transaction or affected the rights of property owners. CCH approached them with the legislation to ask for the Association's support, but we did not have much hope about obtaining it. However, it seemed that in this year the Association was interested in finding something it could support to demonstrate that it was not simply opposed to affordable housing. This Bill seemed to have the right mix in that it was modeled on a program that gave landlords incentives to provide affordable housing, and it was a model from which some of the Association's members had already benefited. It was also a very minimal increase on the cost of real estate transactions. The Association decided to support the initiative.

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<sup>27</sup> Rental Housing Support Program, H.B. 2206, 93rd Gen. Assem., Reg. Sess. (Ill. 2003).

<sup>28</sup> Mary Massingale, *Bill Combats Homelessness: Program Creates Rental Subsidies for Low-Income Residents*, THE STATE JOURNAL REGISTER, Feb. 10, 2004.

The Illinois Association of County Clerks and Recorders emerged as the Bill's first opponent. We believe the Clerks and Recorders did not like a fee being raised that was collected in their offices. Although the Recorder's function is largely administrative, it is an elected office, and during negotiations, the group expressed concerns that the new fee would make the Clerks and Recorders look bad. Moore, Cook County's Recorder, had different ideas about the Bill. He pulled Hamos aside and told her that he really needed assurance that the \$1 "administrative fee" for the counties would actually make it into the Recorder's coffers. In Cook County, it was estimated that the amount retained by the county would be \$1 million. He explained that the Bill could be amended to put the money in a special fund that Recorders controlled. Hamos agreed to it, hoping that Moore might persuade the other Recorders to remove their opposition.

Unexpectedly, this move raised the ire of Stroger. We believed that he did not like Moore going behind his back and taking away his control of the \$1. Once Stroger's opposition surfaced, the campaign began a series of meetings and conversations that started with Stroger himself and continued with his staff over several months. There was a constant back and forth over changes to details of the Bill that would supposedly remove Stroger's opposition. But in reality these minor modifications did not change his mind. He had previously stated to us that he did not like the county collecting a fee going to the state and that was something we could not change. The conversations dragged on until the Bill was running up against a deadline for passage. The campaign attempted one last time to talk to legislators to see if we had the votes to pass the Bill over Stroger's opposition. But Stroger's political connections ran deep in Springfield, and all the African American legislators from Cook County were voting no. We believed that they were concerned that crossing Stroger could be problematic for them come election time. The Bill could not pass.

**YEAR 2: UNTOUCHABLE AND UNSCRUPULOUS:  
MADIGAN AND MOORE STOP THE BILL**

In the second year the same Bill was reintroduced with a new number, House Bill 4100.<sup>29</sup> In addition, another important new ally was added to the campaign. The campaign had worked over the summer to gain the support of the City of Chicago. The campaign held several meetings with the Commissioner of the Department of Housing and the City's lobbyists to review the language in the Bill and to discuss strategy. The City asked that the Bill be amended to ensure that the City's existing trust fund, the model for the legislation, would receive a designated portion of the fee revenue. We agreed to this change in order to lock in the City's support. The campaign felt that gaining this ally was critical because we hoped that Mayor Daley's support would help to overcome Stroger's opposition.

However, a new obstacle arose. Speaker Madigan would not allow the Bill to move forward. All legislation that is introduced gets assigned to a rules committee that then assigns the bill to a substantive committee for consideration. On alternate years, the Speaker controls which bills get out of rules and which bills sit there until they die. The Illinois General Assembly has a biennial cycle, theoretically, in which the first year it considers substantive bills and in the second year they focus on the budget.<sup>30</sup> In reality, in both years the legislators pass a budget and substantive legislation, but in the budget year – which also happens to be the election year for all House members – the Speaker can control which substantive bills other than appropriations bills get a hearing. The rules that govern the State House say that with a unanimous vote, the members of the House can demand

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<sup>29</sup> Rental Housing Support Program, H.B. 4100, 93rd Gen. Assem., Reg. Sess. (Ill. 2004).

<sup>30</sup> Rules of the House of the State of Illinois of the 95th Gen. Assem., H.R. 60, 95th Gen. Assem., Reg. Sess. (Ill. 2007).

that a bill be considered, but short of that, the Speaker controls whether a bill will make it to a substantive committee.<sup>31</sup>

So in 2004, an election year, the Speaker would not allow the Bill to move out of rules.<sup>32</sup> The campaign spent many weeks trying to determine why the Speaker was holding the Bill up. It was unclear to us if it was Stroger's opposition or something Madigan did not like about the Bill. Publicly, Madigan claimed that there was no support for the Bill.<sup>33</sup> Madigan's reasons were contradicted by the Bill's 44 co-sponsors in the House and commitments by enough additional House members to vote "yes" to get the 60 votes needed to pass the Bill.<sup>34</sup> Homeless people traveled to Springfield on numerous occasions throughout this time to talk to legislators and to help line up support.

Because there was no democracy in the process of moving bills out of the rules committee and the Speaker would not directly communicate with anyone about his reason for holding it up, the campaign decided to resort to direct action tactics. The campaign had allies from around the state line up outside Madigan's office in Springfield to urge him to move the Bill. We had an April demonstration at his office in downtown Chicago, during which the Easter Bunny delivered a basket containing plastic eggs with important messages about the Bill. Homeless families sang a song to the tune of "Here Comes Peter Cottontail" until someone on Madigan's staff accepted the basket:<sup>35</sup>

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<sup>31</sup> *Id.*

<sup>32</sup> *The Rental Housing Support Program Act (HB 4100: Hamos-Parke-Jefferson)*, ILL. AFFORDABLE HOUSING WEEK (Jewish Council on Urban Affairs, Chicago, Ill.), March 14-20, 2004, at 14, available at <http://www.jcua.org/downloads/8584Housing%20booklet.pdf>.

<sup>33</sup> Kristen McQueary, *Fee Hike Hinders Fair Housing Bill*, DAILY SOUTHTOWN, March 24, 2004.

<sup>34</sup> See Rental Housing Support Program, *supra* note 29.

<sup>35</sup> Nicolas Zimmerman, *Homeless Children Participate in Egghunt, Rally*, NORTHWESTERN UNIVERSITY MEDILL NEWS SERVICE, April 8, 2004.

*Hello, Speaker Madigan  
Won't you please give us a hand  
4100 needs to pass the House  
It has more support than apple pie  
But only you can make it fly  
Change your mind and move it on its way  
Not much time to get it done  
You the man, you the one  
4100 needs to see the light  
Thousands are homeless in the state  
Don't put it off, don't hesitate  
Change your mind and move it on its way.*

Finally, later in April, the CCH director and leaders in the homeless community followed Madigan around the Capitol insisting on a meeting. In return for their efforts, the demonstrators were escorted away by security. Madigan could not be moved.

Meanwhile, just in case Stroger's opposition was still a problem, the campaign worked with Cook County Commissioner Larry Suffredin to introduce a resolution at the County Board meeting in support of the Bill. Suffredin was a newer board member, elected in November of 2002, who had come into office with a number of commissioners who were working to reform Cook County government and who often challenged Stroger. Suffredin recognized that the Bill would be good for Cook County, as the county and its residents would receive more funds than the County currently received. Although Stroger still had concerns about the Bill, we believed it was difficult for him to publicly vote against something that would bring money to Cook County for affordable housing.

The resolution passed with a vote of 15 out of 17 votes, including Stroger's vote.<sup>36</sup> Although Stroger's vote in support of the

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<sup>36</sup> Cook Cty. Res. 04-R-105, March 23, 2004.

resolution did not mean he supported the Bill, we believed it would have been much more difficult for him to publicly denounce it after voting to pass the resolution.

Suddenly, at the end of May and just days before the legislature was to adjourn, Madigan allowed the Bill to move out of the rules committee. It was not entirely clear what caused the change of heart, but some thought it might have been a favor for Hamos whose support he needed to pass the state budget.

There was still time to pass the Bill that session, but not much. We felt confident the Bill would pass the House with the support that had been lined up during the intervening months. After the Bill was out of committee and soon to be called for a vote on the House floor, a lobbyist from Fletcher, Topol, O'Brien & Kasper, representing Recorder Moore, approached the sponsor. We learned that the lobbyist said that Moore would rather the Bill be voted on after the November elections so it would not look like Moore was raising fees before an election.<sup>37</sup> Moore wanted the Bill to be held until then. We considered this briefly and decided instead to move forward, confident that the Bill had the votes to pass.

This is when the hardest lesson of the campaign was learned. Moore's lobbyists went to work to kill the Bill.<sup>38</sup> Moore had contracted with one of the more powerful and well-connected lobbying firms in Springfield. The firm retained Madigan's former chief of staff on their team and had, it turned out, contributed thousands of dollars to both Republican and Democratic campaigns.<sup>39</sup> We learned during our campaigning efforts that the

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<sup>37</sup> Cook Cty. Bd. of Comm'r, New Items, Item #11, March 23, 2004, available at <http://www.cookctyclerk.com/html/032304newitems.htm>.

<sup>38</sup> Steve Patterson, *County Recorder Under Fire For Lobbying To Kill Fee*, CHICAGO SUN-TIMES, June 4, 2004.

<sup>39</sup> Illinois State Board of Elections Campaign Disclosure, <http://www.elections.il.gov/CampaignDisclosure/ContribSearch.aspx> (last visited Aug. 16, 2007). Search for "Fletcher" to find all contributions made by Fletcher. Topol, O'Brien & Kasper, 222 N LaSalle St., Suite 300, Chicago, Ill. 60601. See also Fletcher, Topol, O'Brien & Kasper, <http://www.ftoklaw.com>.

firm lobbyists incorrectly told people that the \$10 charge was not a per document charge, but that it would be charged for every page of the document.<sup>40</sup> They also told people that all of the money generated by the fee would go to City of Chicago coffers. Support began to rapidly diminish. We knew we were beat when the lobbyist for the Realtors Association, another powerful Springfield lobbyist, told us that the House members that always voted with the Association in the past were saying no to the Bill.

The Bill was not called for a vote, and another session ended in defeat.

### VETO SESSION: MEDIA STRATEGY BREAKTHROUGH

While the campaign had been able to get some media coverage about the Bill and Madigan's attempts at blocking it, editorial support had been lacking. But the Cook County Board's support and Moore's apparent lobbying created a much bigger news story. The Cook County Board had taken a position in support of the Bill.<sup>41</sup> Then expensive lobbyists representing Moore, paid for out of the County coffers, killed the Bill. And why? Because it seemed to us he did not want it to look like his office was raising fees before an election.

Shortly after the end of the session, we convinced Mark Brown, the Page Two columnist for the *Chicago Sun-Times* to tell the story. He agreed to time the release of the column to coincide with a campaign demonstration at a County Board meeting protesting Moore's actions.<sup>42</sup> Coincidentally, the Board was to approve payment for Moore's lobbying contract. The meeting turned into a bit of a circus as board members learned

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<sup>40</sup> Rental Housing Support Program, H.B. 4100, 93rd Gen. Assem., Reg. Sess. (Ill. 2004).

<sup>41</sup> See Cook Cty. Res. 04-R-105 *supra* note 36.

<sup>42</sup> Mark Brown, *Pols Think They Can't Afford to Back Affordable Housing*, CHICAGO SUN-TIMES, June 3, 2004, at 2.

what took place in Springfield. The CCH director was allowed to address the Board even though it was not the time for public comment. After learning of the full extent of Moore's actions, some board members did not want to pay for the lobbyists although they were obliged to.

CCH then worked to get the media coverage that would hit Moore closer to home by pitching the story to local papers in Moore's hometown of Maywood. Again news outlets were interested in the story, and more media coverage followed.<sup>43</sup> We held a second action at a County Board meeting a few weeks later, this time armed with witness slips from the committee hearing for the Bill. When a bill is heard in front of a state legislative committee, groups can sign a witness slip that registers their position in support or opposition for the public record.<sup>44</sup> The witness slips showed that not only Moore's lobbyists, but also Stroger's lobbyists had signed in against the Bill.<sup>45</sup> This action brought yet more media coverage,<sup>46</sup> and the *Chicago Sun-Times* wrote an editorial calling the county's actions "wasteful and outrageous."<sup>47</sup>

It turned out that this issue had touched a nerve with county board members who had for a long time felt that they should not be paying for different lobbyists for each constitutional officer at the county (the president, the recorder, the clerk, etc.). It was expensive, more than \$400,000 a year, and there was

<sup>43</sup> John Huston, *Housing Support Axed*, MAYWOOD HERALD, June 9, 2004.

<sup>44</sup> Rules of the House of the State of Illinois of the 95th Gen. Assem., H.R. 60, 95th Gen. Assem., Reg. Sess. (Ill. 2007).

<sup>45</sup> H. Comm. on Hous. and Urban Dev., Reg. Sess., Record of Comm. Witness (May 27, 2004). Frank Bass, on behalf of the Cook County Recorder of Deeds and the Cook County Board of Commissioners, and Eugene Barns, on behalf of the Cook County Board President, signed in as opponents of the amended Bill. Timothy J. Casey, on behalf of the Cook County Board President, signed in as a proponent of the amended Bill.

<sup>46</sup> Steve Patterson, *Stroger Ordered Lobbying Against Bill County Backed*, CHICAGO SUN-TIMES, June 16, 2004, at 18.

<sup>47</sup> Editorial, *Wasteful and Outrageous*, CHICAGO SUN-TIMES, June 6, 2004, at 41.

often poor communications between the lobbyists sometimes resulting – as in this time – in the County’s lobbyists working at odds with each other. This fiasco drove the issue home more than ever, and the board passed a resolution to eliminate the separate lobbying contracts.<sup>48</sup> Moore would no longer have his own lobbying team.

The pressure was mounting against Moore as the election drew nearer. The campaign-generated media coverage began to have a ripple effect. The *Daily Southtown* endorsed Moore in the election, but in their endorsement expressed their disappointment about his actions around the Bill.<sup>49</sup> The *Chicago Tribune* endorsed Moore’s opponent citing Moore’s actions around the Bill as one reason not to support him and calling for the elimination of his office.<sup>50</sup>

Shortly before the election, members of the campaign met with Moore to get his support. The plan was to try to pass the Bill in the fall veto session, a short session in November primarily used to take action on bills the Governor had vetoed. We learned in meetings with Moore that he was still was not happy about his lack of control of the \$1 per-transaction administrative fee coming to the County (the campaign had gone back to giving the county control to appease Stroger) and suggested that the transaction fee be raised to \$11 so that his office control \$1 and the County could control another \$1. We refused this offer. Moore, seeming beaten into the ground, agreed to support the Bill and agreed to hold a press conference with members of the

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<sup>48</sup> Cook Cty. Bd. Meeting Minutes, The Lobbyist Consolidation Resolution, Oct. 5, 2004 (approving and adopting).

<sup>49</sup> Editorial, *Our Endorsements in Countywide Races*, DAILY SOUTHTOWN, Oct. 17, 2004.

<sup>50</sup> Editorial, *Campaign 2004: Tribune Endorsements—Streamlining Cook County*, CHI. TRIB., Oct. 25, 2004, at 20.

campaign pledging his support.<sup>51</sup> The press conference occurred just days before the election.<sup>52</sup>

The campaign learned shortly after gaining Moore's support that Stroger was now neutral on the issue. It looked like the Bill would pass in the veto session.

### VETO SESSION: "THE TWO-BUCK FEUD"

The veto session started on a Monday in November 2004. On the Friday prior, around 5 p.m., we received a call from Rep. Hamos saying that Speaker Madigan would let the Bill be called for a vote that week, but he had drafted an amendment adding an extra dollar to go to the Recorder's office. We believed Moore had reneged on his pledge of support by asking the Speaker to change the Bill. It seemed that the Speaker was obliging the wish of a former member of the House, and why not? There was nothing for Madigan to lose. Hamos made it clear that there was no choice but to accept the amendment. Because the veto session is so short, only six days, and is supposed to be used primarily to vote on bills the Governor has vetoed, the Speaker controls what bills will come to the floor for a vote. Unless a bill is a priority, it will be pushed off to the next session. The campaign needed the Speaker's support to get the Bill passed.

From our perspective, the change was not the worst possible scenario. The same amount of money would be going to support the program. However, it made the campaign organizers swallow the bitter pill of supporting an additional tax on Illinois citizens that was nothing more than a money grab. It was a difficult decision to make, but the only other option was no program at all.

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<sup>51</sup> Steve Patterson, *County Recorder Decides He Supports Fee Hike After All: Moore Opposed \$10 Increase Before Primary Election*, CHICAGO SUN-TIMES, Oct. 26, 2004.

<sup>52</sup> *Id.*

With the now \$11 fee, the Bill passed the House with a vote of 73-42.<sup>53</sup> Here is where the madness about minutia really took over. The Madigan amendment had been drafted to say that the second \$1 that stayed in the County would be appropriated directly to the Recorder's office. We learned that President Stroger did not like this. Although he did not object to the language saying that it must be used for expenses in the Recorder's office, he wanted it to go to the County Treasury first and then get appropriated through the County's Budget process to the Recorder because that was how things were done. Though President Stroger's change would make no material difference, it was enough to completely stop the Bill once again. We heard that Stroger called Senate President Emil Jones, Jr. (D-14 Chicago) and said he wanted to change the Bill.

Jones agreed and started over with a new bill, House Bill 626, in the Senate that contained the change that Stroger wanted. We learned that Jones, due to a variety of reasons, which possibly included his respect for Stroger's clout, decided to side with Stroger.

The new Bill began moving in the Senate, but because the Bill had changed from the version that passed the House, now it would have to go back to the House for another vote. The word was that Madigan would not call the Bill, despite the minor change's lack of substantive effect. Madigan was set on the version that had already passed the House with the language that he felt favored Moore.

We promoted and campaigned for the Bill in the Senate anyway and ran into an unexpected roadblock. The campaign was counting on several Republican votes in the Senate to get the 30 votes needed to pass the Bill. Several Republicans had pledged to vote yes. Then, during a Senate Republican caucus meeting, a lot of negative information about the Bill circulated around in

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<sup>53</sup> Rental Housing Support Program S.B. 520, 93rd Gen. Assem., Reg. Sess. (Ill. 2003).

the conversation. Because the campaign had been so caught up in dealing with the County's opposition, there was insufficient time to talk to individual senators about the Bill so they did not have accurate information about the Bill. Even those in favor of it did not know how to answer some of the questions. At the end of the meeting, they took a caucus position against the Bill and planned to vote "no."

After our attempts to scrape together 30 votes in the Democratic caucus failed, we agreed to postpone the Bill to meet with Republicans and answer concerns and then call the Bill for a vote in the remaining two days of the veto session in January.

Meetings between representatives of the campaign, the Bill's sponsors, and key Senate Republicans took place, and most agreed to a few minor changes. However, the strongest supporter, Sen. Christine Radogno (R-41 Lemont) told us she absolutely could not stomach the extra dollar added to appease Moore. She could not approve of giving away an extra million dollars without a reason. We pleaded with her to change her mind. Of all the changes that could be made to the Bill, removing the extra dollar was the one change that ensured the Bill would not be called again by Madigan. Although we completely agreed with her principled position, we had already resigned ourselves to the fact that this provision would have to be in the Bill for it to pass. She could not be persuaded.

The coalition knew that Radogno's support was crucial to getting any Republican votes in the Senate – she was the Bill's strongest Republican supporter. Therefore, the decision was made to run the Bill in the Senate in January without the extra dollar. This would prove that the Bill could pass both chambers and then we could go back to the media with the fact that the only reason the Bill had not become law was the \$1 difference caused by the quarrel between Stroger and Moore. The Bill did

indeed pass the Senate in January with a vote of 33-22, including two Republicans.<sup>54</sup>

### YEAR THREE: THE 50/50 SOLUTION

As the veto session closed without the Bill passing, the media was indeed interested in how the story played out. Mark Brown wrote another column recounting the absurd details timed to come out on the day of Moore's budget hearing before the County Board.<sup>55</sup> CCH mobilized 30 homeless leaders to attend the hearing, holding signs saying, "5500 more families could have housing. Why do you need a dollar, Moore?" Moore also lined up a cadre of supporters who attended wearing hats expressing their support for him. Our discussions with the leaders of that group revealed that they really did not know why they were there, and they eventually filed out when they learned they were fighting affordable housing.

Commissioner Suffredin quizzed Moore during the budget hearing about how much money he actually would need to implement the new recording fee. Moore stated that the costs would be high: he would need at least two more staff members. Suffredin assured Moore that those costs could be met with the single dollar coming to the county, again at least \$1 million in total. The *Daily Southtown* covered the hearing.<sup>56</sup>

The final breakthrough for the campaign came in February at a press conference held by Mayor Daley.<sup>57</sup> Daley had men-

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<sup>54</sup> Rental Housing Support Program, H.B. 626, 93rd Gen. Assem., Reg. Sess. (Ill. 2003).

<sup>55</sup> Mark Brown, *Two-buck Feud Leaves Homeless Out in the Cold*, CHICAGO SUN-TIMES, Jan. 27, 2005, at 2.

<sup>56</sup> Jonathan Lipman, *Homeless Bill Back on Table—Concessions by Cook County Recorder Give Rent Subsidy Proposal New Life*, DAILY SOUTHTOWN, Jan. 28, 2005.

<sup>57</sup> Fran Spielman, *Daley Suggests End to Housing Battle – Let Stroger, Moore Get 50 Cents in \$10 Fee to Aid Low-Income Renters*, CHICAGO SUN-TIMES, Feb. 16, 2005, at 16.

tioned his support for the Bill briefly in several previous press conferences, but he had never held a press conference focused solely on the Bill, and he had never tried to intervene in the Stroger-Moore battle. At this press event, Hamos suggested that the fee remain at \$10 with \$1 going to the counties and Moore and Stroger split the dollar down the middle with each controlling 50 cents. Daley supported this solution as the fair way to go, and Hamos was quoted saying she hoped this would finally get the job done. “If we can do this in the Middle East, we can certainly do this in Cook County,” she said.<sup>58</sup>

Although the solution was so obvious it was almost silly, for some reason it was the magic bullet. It seemed Stroger and Moore had grown tired of – in Mark Brown’s words – “wearing the jacket” for the Bill’s failure to pass.<sup>59</sup> The Bill sailed through the legislature in the spring session of 2005 and was signed into law by the governor on July 5, 2005.<sup>60</sup>

Since the Bill’s passage, Hamos told CCH many times that it was the most significant piece of legislation that she had passed. When the Bill was called on the House floor she dedicated its passage to Les Brown, founder of the CCH and John Donahue, CCH’s long-time executive director. Both had passed away during the years in which the organization fought for the Bill’s passage.

There were some important lessons learned from this campaign that we will carry forward into our future work in Springfield:

1) *Don’t give anything away until someone asks for it.* If the campaign had not initially included the \$1 for counties in the legislation we could have used that in negotiations once opposition emerged. It would have sweetened the deal considerably

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<sup>58</sup> *Id.*

<sup>59</sup> Mark Brown, *Two-buck Feud Leaves Homeless Out in the Cold*, CHICAGO SUN-TIMES, Jan. 27, 2005, at 2.

<sup>60</sup> Rental Housing Support Program S.B. 75, 94th Gen. Assem., Reg. Sess. (Ill. 2005).

for Stroger and Moore and maybe their other issues would not have emerged.

2) *Make sure leadership does not strongly object to your proposal early on in the process.* We were taken by surprise by Madigan's unwillingness to let the Bill move. The campaign should have tried to determine his position sooner.

3) *Identify and understand your opponents.* We decided very quickly to turn down Moore's lobbyist's proposal to hold the Bill until the veto session. The campaign was confident that Moore could not stop the Bill. In reality, we had a very poor understanding of the power of the lobbyists who killed the Bill in a few short hours.

4) *Don't take anyone's support for granted.* We ran into trouble in the Senate because the campaign organizers did not take the time to give senators a full understanding of the Bill. The campaign was so focused on getting the Bill out of the House and dealing with the opposition, that we did not spend much time talking to senators. We realized the repercussions of this when misinformation started circulating.

5) *Public pressure from direct action and media coverage can change people's minds.* We could not have won this campaign without strategic use of the media and direct action. Not all advocacy groups use direct action as a tool because they are concerned about damaging relationships with elected officials. If the campaign did not use direct action, and the media coverage that followed it, to pressure Moore and Stroger to change their positions, the Bill most likely would have died or passed in a much weaker form.

Moving forward, we will learn from this experience, continue to use a full range of advocacy tools and push an ever more ambitious agenda in Springfield.