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July 1, 2019

Chief Kristen Ziman  
Aurora Police Department  
1200 E. Indian Trail  
Aurora, Illinois 60505  
via email to: [zimank@apd.aurora.il.us](mailto:zimank@apd.aurora.il.us)

**Re: Eviction of Registrants from Wayside Cross Ministries**

Dear Chief Ziman,

We have been retained to represent the 19 residents of Wayside Cross Ministries who were given notice by the Aurora Police Department on June 26, 2019, that they must move by July 25, 2019, because the Aurora Police Department considers their current address to be in violation of 720 ILCS 5/11-9.3(b-10). In particular, the letter that was delivered to the residents states that 215 E. New York Street is too close to McCarty Park.

We write to request that the Department rescind this order because it is not consistent with the relevant Illinois law. Illinois law prohibits individuals who have been convicted of sex offenses against minors from living within 500 feet of schools, playgrounds, and daycare facilities. See 720 ILCS 5/11-9.3(b-5) and (b-10). But there is no statute that prohibits such individuals from living within 500 feet of parks.

We believe that 215 E. New York Street complies with the relevant statutory prohibitions for two principal reasons:

- (1) McCarty Park does not constitute a “playground” within the meaning of Illinois law. The relevant statute, 720 ILCS 5/11-9.3(d)(13), defines a “playground” as “a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use *solely or primarily for children’s recreation.*” (emphasis added).

McCarty Park does not meet that definition. It is a general-use park in downtown Aurora for adults and children alike, with a sidewalk, landscaping and benches. The Park has been in existence for more than 100 years. Since the statutory prohibition on residing within 500 feet of a “playground” went into effect in July 2000, the City of Aurora has

considered 215 W. New York Street to be a compliant address and has registered residents of Wayside Cross there without incident. The recent installation of two hobby horses on the East side of the park does not convert the entirety of McCarty Park into a “playground” within the meaning of Illinois law.

- (2) Even if the two hobby horses on the East side of the park are construed as constituting a “playground” within the meaning of Illinois law, 215 W. New York Street remains a compliant address because the playground equipment is situated more than 500 feet from 215 W. New York Street. See attached map illustrating the distance between Wayside Cross and the approximate location of the two hobby horses.

Under Illinois law, the 500 foot distance is measured from “the edge of the property comprising the ... playground ... to the edge of the child sex offender's place of residence.” 720 ILCS 5/11-9.3(e). Courts have interpreted this statute as requiring proof that an individual’s residence is within 500 feet of the “particular areas” of a park that “meet the statutory definition of a playground.” See *People v. Cripe*, 2017 IL App (4th) 150400-U, ¶ 38 (Ill. App. 4th, 2017) (“the State failed to prove that defendant resided within 500 feet of a playground.... The evidence showed that defendant resided approximately 438 feet from the ‘Saunemin City Park and Playground.’ But the evidence did not establish which areas of the Saunemin City Park and Playground met the statutory definition of a ‘playground’ or how far defendant resided from those particular areas.”).

For these reasons, we believe that 215 W. New York Street complies with the statutory restriction on living within 500 feet of a “playground,” and the City’s order that the residents of Wayside Cross must move out lacks a proper basis under Illinois law. Accordingly, we respectfully request that the City rescind this order and allow the residents of Wayside Cross to remain in their homes.

Based on the City’s demand that residents move by July 25, time is of the essence. We therefore request that you respond to this letter within seven days—by no later than Monday, July 8, 2019. If the City does not respond by this date, we will pursue all available legal remedies, including seeking an injunction prohibiting the City from evicting the residents of Wayside Cross from their homes and forcing them into homelessness.

Thank you for your attention to this matter. We look forward to speaking with you soon.

Sincerely yours,



Adele D. Nicholas and Mark G. Weinberg

cc. Corporation Counsel Richard Veenstra (via email, rveenstra@aurora-il.org)