



City of Chicago



O2018-8121

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 10/31/2018

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Arena (45)
Tunney (44)
Maldonado (26)
Ervin (28)
Scott, Jr. (24)
Smith (43)

Type: Ordinance

Title: Amendment of Municipal Code Title 5 by adding new Chapter 5-13 entitled "Chicago Relocation Plan Ordinance"

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

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Title 5 of the Municipal Code is hereby amended by adding new Section 5-13: Chicago Relocation Plan Ordinance, as follows:

5-13-010 TITLE.

This Chapter shall be known as the "Chicago Relocation Plan Ordinance."

5-13-020 PURPOSE AND INTENT.

This Chapter shall be liberally construed and applied to achieve its purpose, which is to promote the public welfare by protecting tenants of affordable housing buildings undergoing renovation and rehabilitation resulting in the temporary relocation or internal transfer of tenants. The legislative intent of this Chapter is to advance the City's vital interest in protecting tenants in affordable housing units while promoting the habitability of affordable housing by requiring owners and developers, to have a written relocation plan prior to receipt of City dollars to ensure disruptions to tenants are minimized.

5-13-30 APPLICABILITY.

This Chapter shall apply to temporary relocation off-site as well as on-site temporary and permanent relocation of tenants in housing undergoing rehabilitation using funds supplied by the City of Chicago. To the extent the Uniform Relocation Assistance and Real Property Acquisition Act is more protective of tenants than the Chicago Relocation Plan Ordinance, then the Act applies.

5-13-40 DEFINITIONS.

"Affordable housing programs" means any housing program providing affordable housing to low-income or moderate-income persons by means of rents which are limited in the price at which they can be offered and rental assistance as identified by the appropriate state, City, or federal agency overseeing the affordable housing program including, but not limited to, affordable housing units under Chapters 2-45-110 and 2-45-115 of the Municipal Code of Chicago; housing programs under section 202 of the United States Housing Act of 1959 (12 U.S.C. 1701q); housing programs under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); housing programs under subtitle B through F of title IV of the McKinney-

Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.); housing programs under the National Housing Act (12 U.S.C. 1715z-1); housing programs under sections 6 and 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f); and housing programs under the low income housing tax credit program of section 42 of the Internal Revenue Code of 1986.

"City dollars" means any financing appropriated or approved by the City of Chicago for the rehabilitation, demolition, disposition, conversion, redevelopment, or new construction of an occupied housing development, including but not limited to bond financing, Low Income Housing Tax Credits, CDBG, HOME, TIF, Low Income Housing Trust Fund, Affordable Housing Opportunity Fund, Multi-year Affordability through Upfront Investment and revolving loan funds.

"Covered housing" means any affordable housing programs or subsidized units providing affordable housing to low-income and middle-income persons by means of restricted rents or rental assistance as identified by the appropriate local, state, or federal agency overseeing the affordable housing program. Covered housing must be receiving or in the application process of City dollars that will result in temporary displacement of tenants.

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

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

"Owner" means any person who alone, jointly or severally with others: (A) Has legal title to any premises or dwelling units, with or without accompanying actual possession thereof; or (B) Has charge, care or control of any premises, dwelling or dwelling unit as owner or agent of the owner. "Owner" includes the owner, his agent for the purpose of managing, controlling or collecting rents, any other person managing or controlling a building or premises or any part thereof and any person entitled to the control or direction of the management or disposition of a building or of any part thereof.

"Mandatory internal transfer" means the required move of tenants in covered housing from one unit to another unit undergoing building-wide renovations with City dollars.

"Senior building" means housing designated for tenants ages 55 and above.

"Temporary displacement" means displacement of the tenant household for up to a period of 12 months from the covered housing project.

"Tenant" means a person entitled by written or oral agreement, subtenancy approved by the owner or by sufferance, to occupy a covered housing unit to the exclusion of others.

"Tenant association" means an organization of tenants of the covered property that represents the interests of all tenants at the property and is completely independent of owners and their agents.

5-13-050 DEVELOPING A RELOCATION PLAN.

A. Developers and owners must, as part of the application for City dollars, include a relocation assessment checklist to the department.

B. Prior to approval of the application for City dollars, the department must determine whether the developer's proposal will result in the temporary displacement or mandatory internal transfers of tenants in the covered units.

C. As a condition of receipt of the City dollars, the developer must submit a model relocation policy complying with the terms of this Chapter and any other applicable federal, state, and local law, and agree to develop a site-specific relocation plan as defined by this Chapter to the Department of Planning and Development 90 days prior to the initiation of construction resulting in mandatory internal transfers or temporary displacement.

D. Development of the relocation plan must include consultation with tenants of the covered housing including at least one meeting with open to all residents of the covered housing development. This meeting must occur at least 120 days prior to the initiation of relocation activities.

E. The relocation plan must be prominently posted in each building and submitted to the department prior to any tenant receiving notice of relocation.

5-13-060 NOTICE TO TENANTS.

A. All tenants in a covered property must receive regular notices concerning the renovation and rehabilitation of covered housing.

B. Owners must provide tenants with 90 days notice of their mandatory internal transfer or temporary transfer outside the covered property including their anticipated moving date, anticipated transfer site, and any other information required by federal, state, or local law; in the case of an emergency transfer notice must be provided as soon as possible.

C. Tenants must receive a 30-day notice with their exact moving date.

D. Changes in the relocation date will require each tenant to be personally notified. Tenants must be notified at least 14 days prior to their scheduled move; otherwise tenants must receive another 30 day notice including their exact moving date.

E. Tenants must be notified at least one day prior to their scheduled move that they can schedule a walk-through of the new housing unit with the owner or developer prior to their scheduled moving date.

5-13-70 RELOCATION COORDINATION.

- A. Owners must have a point person as the building's relocation coordinator. The relocation coordinator must be available to answer the questions and concerns of residents.
- B. The relocation coordinator must have regular, posted office hours at the building.
- C. The relocation coordinator will hold regular meetings between the construction team, relocation team, management, and the tenant association at the building. These meetings should be weekly during the construction phase of the project.

5-13-080 ONE-ON-ONE MEETINGS WITH TENANTS.

- A. At least 45 days before relocation begins at the covered property, the developer, owner, or their agent must meet with each household individually to create a moving plan that is clear, has a specific timeline and meets the person's reasonable accommodation and modification needs. Prior to this meeting, the developer, owner, or their agent must provide tenants with information and examples of reasonable accommodation requests.
- B. At least one week before moving date, the developer, owner, or its agents will again meet with the tenant individually.

5-13-90 DAMAGED PERSONAL PROPERTY BY RELOCATION PERSONNEL.

Owners or developers must have a grievance process for tenants whose belongings are damaged or destroyed by movers. This process must include reimbursement for items damaged or lost in the move. As a condition of receipt of City dollars, the developer must purchase premises liability and property insurance to cover cost of damages to tenants' belongings.

5-13-100 SPECIAL CONSIDERATIONS FOR SENIOR BUILDINGS.

- A. In senior designated buildings, or buildings where more than 75% of residents are seniors, the owner or developer must offer packing and unpacking assistance to residents free of charge.
- B. The owner or developer must retain records of these affirmative steps to provide moving assistance to seniors, including any offer of packing and unpacking assistance and any waiver by individual tenants of this provision.
- C. No senior designated unit, or development where more than 75% of residents are seniors, shall remove and not replace any currently existing accessibility features in their apartment, including but not limited to grab bars, unless the tenant affirmatively requests a change in their unit.

5-13-110 TEMPORARY DISPLACEMENT.

Unless the tenant requests otherwise, the owner or developer must make every effort to provide a replacement unit for the tenant within the same community. If that is not practical, the replacement unit should be located as close to the community as possible.

5-13-120 SPECIAL RELOCATION RIGHTS FOR DAYTIME DISPLACEMENT

A. This subsection shall apply to temporary, daytime displacement of tenants who are unable to access their units during the daytime but are able to return to their unit over night.

B. The developer or owner shall maintain a suitable alternative living quarters during the daytime hours that provides access to a kitchen or meal delivery services, is comfortably furnished, and includes a television and other forms of activities.

C. The developer or owner shall meet individually with each resident to determine any needs related to the tenants' health or disability, including ensuring dietary needs are met.

D. If a tenant is permitted to return to their unit outside of construction hours, the unit shall be returned to a suitable condition and left in safe, decent, and sanitary condition and shall be free from dust and other construction debris.

E. The relocation coordinator shall conduct routine inspections of the units under construction to ensure that the unit is in safe, decent, and sanitary condition and shall be available to address resident grievances.

5-13-130 REIMBURSEMENT OF MOVING EXPENSES.

The owner or developer must reimburse tenants for the costs of movers, all fees incurred by tenants for utilities, cable, internet and other services and other moving expenses incurred, within 30 days of the completed move.

5-13-140 EMERGENCY CONTINGENCY PLAN.

The owner or developer must create an emergency contingency plan as part of the relocation plan outlining its plan to deal with emergencies during the renovation, including but not limited to the loss of essential services.

5-13-150 TRANSLATION AND INTERPRETATION FOR LIMITED ENGLISH PROFICIENT TENANTS.

The relocation plan and all notices concerning renovations and relocations must be translated into all languages spoken in the building. Owners must notify limited English-

proficient tenants in their primary language that they can request oral interpretation provided by the owner or developer.

5-13-160 PUBLIC ACCESS TO THE RELOCATION PLAN.

The relocation plan is to be submitted to the Department and any other federal, state, or local government agencies overseeing the project, posted on the developer or owner's website and available in a prominently posted place in the building.

5-13-170 RIGHT OF RETURN.

If tenants have a right of return pursuant to other chapters of the Municipal Code, state or federal law, the relocation plan must specify how tenants will be notified of their right to return and the anticipated date by which tenants will be able to return. The developer must provide at least quarterly updates to tenants of any changes to the development timeline.

5-13-180 ENFORCEMENT.

A. In the event of violations of the Chicago Relocation Plan Ordinance by an owner or developer, the City may deny future requests or applications for City dollars, financing, bonds or loans.

B. Tenants who have been injured by a violation of the Chicago Relocation Plan Ordinance may institute an injunction, mandamus, or any other appropriate legal actions or proceedings. In addition, any tenant who brings legal action pursuant to this Ordinance and who is adjudged to be a prevailing party is entitled to attorney's fees, damages in the amount of \$500 or one month's rent, whichever is greater, for each violation of the Ordinance, and court costs.

C. The City may initiate an enforcement action against any party who violates or resists enforcement of the Chicago Relocation Plan Ordinance, with a fine of not less than \$100 nor more than \$500 for each offense. Each day a violation continues shall constitute a separate offense.

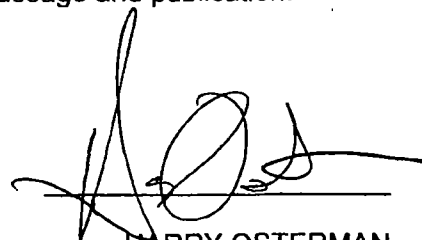
5-13-190 CONFLICT WITH STATE OR FEDERAL LAWS.

This Chapter shall be construed so as not to conflict with applicable federal or state laws, rules or regulations.

5-13-200 SEVERABILITY.

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

SECTION 2. This ordinance shall be effective sixty days after passage and publication.

A handwritten signature in black ink, appearing to read "HARRY OSTERMAN", is written over a horizontal line.

HARRY OSTERMAN

Alderman, 48th Ward

Alderman, 27 Ward

Alderman, 4 Ward

Alderman, 3rd Ward

Alderman, 30 Ward

Alderman, 32 Ward

Alderman, 33 Ward

Alderman, 31 Ward

Alderman, 29 Ward

Alderman, 15 Ward

Alderman, 47 Ward

Alderman, 10 Ward

Alderman, 1 Ward

James Capplesman

Alderman, 46 Ward

Robert M. ...

Alderman, 26 Ward

[Signature]

Alderman, 45 Ward

[Signature]

Alderman, 24 Ward

[Signature]

Alderman, 44 Ward

Alderman, ___ Ward

[Signature]

Alderman, 28 Ward

Alderman, ___ Ward

Alderman, ___ Ward

Alderman, ___ Ward

Alderman, ___ Ward

Alderman, ___ Ward

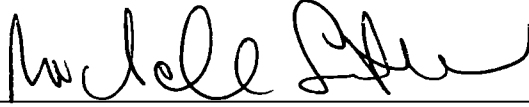
Chicago City Council Co-Sponsor Form

Document No.: 02018-8121

Subject: RELOCATION PLAN ORDINANCE

Adding Co-Sponsor(s)

Please **ADD** Co-Sponsor(s) Shown Below – *(Principal Sponsor's Consent Required)*

Alderman  (43 Ward)
(Signature)

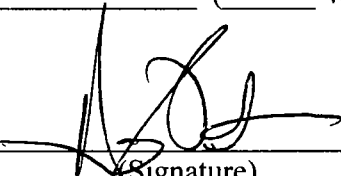
Alderman _____ (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

Date Filed: 11/7/18

Principal Sponsor: 
(Signature)

Removing Co-Sponsor(s)

Please **REMOVE** Co-Sponsor(s) Below – *(Principal Sponsor's Consent NOT Required)*

Alderman _____ (_____ Ward)
(Signature)

Alderman _____ (_____ Ward)
(Signature)

Date Filed: _____

Final Copies to be filed with:

- Chairman of Committee to which Legislation was referred
- City Clerk