



City of Chicago



O2021-2988

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/14/2021
Sponsor(s):	Dept./Agency
Type:	Ordinance
Title:	Amendment of ordinance on moratorium on tenant eviction notices for failure to pay rent due to COVID-19 impact
Committee(s) Assignment:	Committee on Housing and Real Estate

ORDINANCE

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

SECTION 1. The ordinance imposing a provisional moratorium on tenant eviction notices for failure to pay rent due to the impact of COVID-19, passed June 17, 2020, and published on pages 17879 through 17884 of the Journal of Proceedings of the City Council for that date, is hereby amended by adding the language underscored as follows:

SECTION 1.

Definitions. As used in this ordinance:

(Omitted text is unaffected by this ordinance)

“Code” means the Municipal Code of the City of Chicago.

“Commissioner” means the Commissioner of Housing or the Commissioner’s designee.

“Covered dwelling unit” has the meaning ascribed to that term in subsection (b) of Section 2 of this Ordinance.

(Omitted text is unaffected by this ordinance)

“Dwelling unit” has the meaning ascribed to that term in Section 5-12-030(a) of the Code.

“Emergency Rental Assistance Program” means the rental relief and payment program established by the Commissioner to provide rental payments to landlords on behalf of tenants.

“Executive Order” means Executive Order 2020-10 (COVID-19 Executive Order No. 8) issued on March 20, 2020, and Executive Order 2020-30 (COVID-19 Executive Order No. 28) issued on April 23, 2020, and Executive Order 2021-13 (COVID-19 Executive Order No. 82) issued on June 11, 2021, and Executive Order 2021-14 (COVID-19 Executive Order No. 83) issued on June 25, 2021, by the Governor of the State of Illinois, and any extension, amendment, supplement, reissuance, or addition thereto.

(Omitted text is unaffected by this ordinance)

SECTION 2.

(Omitted text is unaffected by this ordinance)

(b) *Scope of Ordinance - Covered dwelling units.* Subject only to the exclusions set forth in Subsection 2(c) herein, this Ordinance applies to every rental agreement for a dwelling unit located within the City, regardless of where the agreement is made, including dwelling units subject to rental agreements operated under subsidy programs of agencies of the United States or the State of Illinois (“State”), to the extent that this Ordinance is not preempted and does not directly conflict with statutory or regulatory provisions governing those programs (collectively,

"covered dwelling units"). This ordinance shall be liberally construed and applied to promote its purposes and policies.

(Omitted text is unaffected by this ordinance)

SECTION 3.

Except as otherwise provided in subsection (g) of this Section 3, and notwithstanding Section 5-12-130(a) or any other Code provision to the contrary, the following processes shall apply during the moratorium to any notice of termination of tenancy for failure to pay rent:

(Omitted text is unaffected by this ordinance)

(c) *Proof of compliance.* If the seven-day negotiation period applies and the landlord files an action in Circuit Court to evict the tenant for unpaid rent, with or without a claim for unpaid rent and/or damages, and the landlord received from the tenant a timely Tenant Notice of COVID-19 Impact, such landlord must ~~plead~~ file an affidavit with the action affirming that (i) the landlord made reasonable attempts to contact the tenant and engage in good faith negotiations with the tenant to reach a mutually satisfactory agreement pertaining to the unpaid rent and, (ii) that the landlord registered for the Emergency Rental Assistance Program or a similar program offered by the State or County of Cook. Proof of good faith negotiations by the landlord with the tenant may include affidavits, written notices and communications, and other contemporaneous documentation.

(d) *Affirmative defense.* The tenant may raise as an affirmative defense to an eviction action filed by a landlord during the moratorium that: (1) the tenant did experience a COVID-19 Impact that materially or substantially affected ~~his or her~~ the tenant's ability to pay rent; (2) the tenant did file with the landlord a timely Tenant Notice of COVID-19 Impact; ~~and~~ (3) the landlord failed to make reasonable attempts to contact the tenant or to engage in good faith negotiations with the tenant to reach a mutually satisfactory agreement pertaining to the unpaid rent in violation of subsections (a), (b) and (c) of this Section 3; and (4) the landlord did not register for the Emergency Rental Assistance Program or a similar program offered by the State or County of Cook. Nothing in this subsection (d) shall be construed to limit any other affirmative defense in law or in equity that the tenant is entitled to raise.

(Omitted text is unaffected by this ordinance)

(h) *Existing eviction actions.* If a landlord commenced an eviction action prior to the effective date of this Ordinance, the pleading requirements in Section 3(c) shall not apply, and the landlord may defeat the affirmative defense provided for in Section 3(d) by demonstrating that, on or after the effective date of this Ordinance, the landlord met the requirements in Section 3(b) of this Ordinance.

(i) *Landlord Registration in the Emergency Rental Assistance Program.* All landlords who have received a Tenant Notice of COVID-19 Impact shall, no later than either the day of issuing a five-day notice of termination of tenancy or by the first day of the seven-day negotiation period, register with the City of Chicago's Department of Housing's Emergency Rental Assistance Program, or a similar program offered by the State or County of Cook, so as to receive notification of any current applications being accepted or future applications to the

Program. Proof of this compliance can be shown by screen printouts and downloads of the completed application, with allowable redactions of private or personal information.

SECTION 2. This ordinance shall take full force and effect upon passage and approval.