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121 N. LaSalle St.
Room 107
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Legislation Details (With Text)

File #: SO2015-1485
Type: Ordinance **Status:** Passed
File created: 3/18/2015 **In control:** City Council
Final action: 4/15/2015
Title: Amendment of Municipal Code Chapter 5-14 regarding Tenant Information Disclosure Form
Sponsors: Suarez, Regner Ray
Indexes: Ch. 14 Protecting Tenants at Foreclosures
Attachments: 1. SO2015-1485.pdf, 2. O2015-1485.pdf

Date	Ver.	Action By	Action	Result
4/15/2015		City Council	Passed as Substitute	Pass
4/13/2015	1	Committee on Housing and Real Estate	Recommended to Pass	Pass
3/18/2015	1	City Council	Referred	

SUBSTITUTE ORDINANCE

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

SECTION 1. Chapter 5-14 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by adding the language underscored, as follows:

5-14-020 Definitions.

For purposes of this chapter, the following definitions apply:

(Omitted text is unaffected by this ordinance)

"Qualified tenant" means a person who: (1) is a tenant in a foreclosed rental property on the day that a person becomes the owner of that property; and (2) has a bona fide rental agreement to occupy the rental unit as the tenant's principal residence. For purposes of this definition:

(1) a lease rental agreement shall be considered bona fide only if:

- i) the mortgagor or the any child, spouse, or parent of the mortgagor residing in the same dwelling unit with the mortgagor, is not the tenant;
- ii) the lease rental agreement was a result of an arms- length transaction; and
- iii) the lease rental agreement requires the receipt of rent that is not substantially less than fair market rent for the property, or the rental unit's rent is reduced or subsidized due to a government subsidy.

(Omitted text is unaffected by this ordinance)

"Rental unit" means any dwelling unit which is held out for rent to tenants.

"Unlawful conversion " means any dwelling unit that is an illegal or unlawful conversion, as that term is defined in section 17-17-0240.5.

"Unlawful hazardous unit" means a dwelling unit that is hazardous based on life safety or sanitation conditions, as prescribe in rules promulgated by the commissioner.

5-14-040 Notice to tenants.

(a) (1) No later than 21 days after a person becomes the owner of a foreclosed rental property, the owner shall make a good faith effort to ascertain the identities and addresses of all tenants of the rental units in the foreclosed rental property and notify, in writing, all known tenants of such rental units that, under certain circumstances, the tenant may be eligible for relocation assistance. The notice shall be given in English, Spanish, Polish and Chinese and be as follows:

"This Is Not A Notice To Vacate The Premises. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any right that you may have.

-Pursuant to the City of Chicago's Protecting Tenants in Foreclosed Rental Property Ordinance, if you are a qualified tenant you may be eligible for relocation assistance in the amount of \$10,600 unless the owner offers you the option to renew or extend your current

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written or oral rental agreement with an annual rent that: (1) for the first 12 months, does not exceed 102 percent of your current annual rent; and (2) for any 12-month period thereafter, does not exceed 102 percent of the immediate prior 12-month period's annual rent. The option to renew or extend your lease shall continue until the property is sold to a bona fide third-party purchaser.

-If you are eligible as a qualified tenant and the owner fails to pay you the relocation assistance that is due, you may bring a private cause of action in a court of competent jurisdiction seeking compliance with the Protecting Tenants in Foreclosure Rental Property Ordinance, Chapter 5-14 of the Municipal Code of Chicago, and the prevailing plaintiff shall be entitled to recover, in addition to any other remedy available, his damages and reasonable attorney's fees."

You may go to the City of Chicago Department of Business Affairs and Consumer Protection's website for additional information regarding your rights and obligations under the Ordinance or phone the City of Chicago's 311 Service Center to file a complaint."

The notice shall also include the name, address and telephone number of the owner, property manager or owner's agent who is responsible for the foreclosed rental property and the date the notice was sent.

(2) If the owner ascertains the identity of a tenant more than 21 days after becoming the owner, the owner shall provide the notice within seven days of ascertaining the identity of the tenant.

(3) The written notice required by this section shall be served by:

A) delivering a copy of the notice to the known tenant;

B) leaving a copy of the notice with some person of the age of 13 years or older who is residing in the tenant's rental unit; or

C) sending a copy of the notice by first class or certified mail, return receipt requested, to each known tenant, addressed to the tenant.

(b) The owner shall attach to each notice required by subsection (a) a Tenant Information Disclosure Form, in a form prescribed by the commissioner of business affairs and consumer protection by rule. No later

than 21 days after receipt of the notice, the tenant shall complete and return the Tenant Information Disclosure Form to the person and address indicated on the Form. The failure of a tenant to return the Tenant Information Disclosure Form does not relieve the owner of any obligation to either: (i) extend or renew the tenant's rental agreement, or provide a rental agreement for a replacement rental unit, whichever is applicable; or (ii) pay the relocation assistance fee.

(b c) In addition to the notice required in subsection (a), no later than 21 days after a person becomes the owner of a foreclosed rental property, the owner shall post a written notice on the primary entrance of each foreclosed rental property which sets forth the disclosures in subsection (a).

(g d) Any owner who fails to comply with this section shall not collect rent due and owing from any known tenant, until the owner has served the notices required by this section.

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5-14-050 Tenant relocation assistance.

(a) (1) Except as provided in subsection (a)(2), the The owner of a foreclosed rental property shall pay a one-time relocation assistance fee of \$10,600 to a qualified tenant unless the owner offers such tenant the option to renew or extend the tenant's current rental agreement with an annual rental rate that: (4-i) for the first 12 months of the renewed or extended rental agreement lease, does not exceed 102 percent of the qualified tenant's current annual rental rate; and (2-ii) for any 12-month period thereafter, does not exceed 102 percent of the immediate prior year's annual rental rate.

(2) For any unlawful hazardous unit or unlawful conversion occupied by a
Qualified tenant, the owner shall pay a one-time relocation assistance fee of \$10,600 to the
qualified tenant unless the owner offers, and the tenant accepts the owner's offer of, a rental
agreement at a replacement rental unit with an annual rental rate that does not exceed 102
percent of the qualified tenant's current annual rental rate; and (2) for any 12-month period
thereafter, does not exceed 102 percent of the immediate prior year's annual rental rate. The
replacement rental unit may be located either in the same foreclosed rental property or at
another location-

Provided that the commissioner may prescribe by rule conditions under which an owner
may offer a qualified tenant residing in an unlawful hazardous unit to extend or renew, at the tenant's option,
the tenant's current rental agreement with an annual rental rate that complies with subsection (a)(1) if the
owner makes all necessary repairs to correct any life safety or unsafe sanitary conditions.

(3) No later than 21 days after the date upon which the tenant returns or should
have returned the Tenant Information Disclosure Form pursuant to section 5-14-040, the owner
shall send a written: (1) notice to a qualified tenant advising the qualified tenant that the owner
is paying the required relocation fee; or (ii) offer to extend or renew the qualified tenant's rental
agreement, or provide a rental agreement for a replacement rental unit, whichever is

applicable,

with an annual rental rate in an amount that complies with subsection (a). All notices or offers shall clearly show the date the offer or notice was sent.

If a qualified tenant fails to accept the owner's offer to extend or renew the tenant's rental agreement, or accept a rental agreement for a replacement rental unit, whichever is applicable, within 21 days of receipt of the offer, or if the qualified tenant meets the criteria for an extended response time, as established by the commissioner of business affairs and consumer protection by rule, within 42 days of the offer, the owner shall not be liable to such tenant for the extension or renewal of the tenant's rental agreement; provided that a qualified tenant's refusal to accept the owner's offer for a replacement rental unit or to extend or renew the tenant's current rental agreement for an unlawful hazardous unit pursuant to subsection (2) does not affect the tenant's right to the payment of a relocation fee..

(4) ~~Jf Provided that~~ if a rental unit is occupied by two or more qualified tenants, the owner's total liability to all the qualified tenants of the rental unit shall be no more than if the rental unit was occupied by one qualified tenant.

(Omitted text is unaffected by this ordinance)

(e) The owner shall not be liable to pay the relocation fee to any qualified tenant:

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(1) who does not enter into a rental agreement after being offered a renewal or extension of the tenant's rental agreement pursuant to subsection (a)(1) with a rent in an amount that complies with that subsection (a);

(2) against whom the owner has obtained a judgment for possession of the rental unit.

(Omitted text is unaffected by this ordinance) 5-14-090

Administration and enforcement of chapter.

(Omitted text is unaffected by this ordinance)

The commissioner or the commissioner of business affairs and consumer protection shall enforce any provision of this chapter by instituting an action with the department of administrative hearings or by the corporation counsel through an injunction or any other suit, action or proceeding at law or in equity in a court of competent jurisdiction.

The commissioner of business affairs and consumer protection shall prescribe by rule a Tenant Information Disclosure Form and develop a summary which clearly explains a tenant's rights and obligations under this chapter. The summary shall be posted on the department of business affairs and consumer protection's website.

Any information, receipt, notice, or other document required under this chapter shall be open for inspection and review by the commissioner or the commissioner of business affairs and consumer protection at any reasonable time.

SECTION 2. This ordinance shall take effect 90 days after its passage and publication.

Ray Suarez Alderman, 31st Ward

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City Council - City of Chicago City Hall, Room 200 121 North LaSalle Street
Chicago, Illinois 60602 Telephone (312)744-6102
Fax- (312) 744-0770 rsuarez@cityofchicago.org <<mailto:rsuarez@cityofchicago.org>>

RAY SUAREZ

Alderman, 31 st Ward

Vice Mayor - City of Chicago

4502 West Fullerton Avenue Chicago, Illinois 60639 Telephone: (773) 276-9100 Fax: (773) 276-2596

[WWW.WARD3](http://WWW.WARD3.COM) <<http://WWW.WARD3>> 1 .COM

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Committees, Rules and Ethics (Vice-Chairman)

Aviation

Budget and Government Operations Finance

Transportation and Public Way Workforce Development and Audit Zoning, Landmarks and Building Standards

**April 15, 2015
CHICAGO,
ILLINOIS**

TO THE PRESIDENT AND MEMBERS OF THE CITY COUNCIL:

Your Joint Committee on Housing and Real Estate which was referred a Substitute ordinance, introduced by Alderman Ray Suarez (31), amending the municipal code concerning tenant information disclosure form (Keep Chicago Renting Ordinance). (02015-1485)

Having the same under advisement, begs leave to report and recommend that Your Honorable Body Pass the proposed Substitute ordinance transmitted herewith.

This recommendation was concurred in by a unanimous vote of the members of the committees present with no dissenting votes.

Ray Suak & Chjfi Wan
Committee on Housing & Real Estate