



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Details (With Text)

File #: SO2016-8627

Type: Ordinance **Status:** Passed

File created: 12/14/2016 **In control:** City Council

Final action: 2/22/2017

Title: Amendment of Municipal Code Chapters 4-6, 4-13 and 4-14 regarding legal duties of licensees for bed-and-breakfast establishments, vacation rentals and shared housing units

Sponsors: Emanuel, Rahm

Indexes: Ch. 6 Regulated Business License, Ch. 13 Short Term Residential Intermediaries and Advertising Platforms, Ch. 14 Shared Housing Units

Attachments: 1. SO2016-8627.pdf, 2. O2016-8627.pdf

Date	Ver.	Action By	Action	Result
2/22/2017	1	City Council	Signed by Mayor	
2/22/2017	1	City Council	Passed as Substitute	Pass
2/15/2017	1	Committee on License and Consumer Protection	Recommended to Pass	
2/15/2017	1	Committee on License and Consumer Protection	Substituted in Committee	Pass
12/14/2016	1	City Council	Referred	

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SUBSTITUTE

ORDINANCE

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

SECTION 1. Section 4-6-290 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-290 Bed-and-breakfast establishment.

(Omitted text is unaffected by this ordinance)

(f) Legal duties. Each licensee engaged in the business of bed-and-breakfast establishment shall have a duty to:

(Omitted text is unaffected by this ordinance)

(2) maintain current guest registration records which contain the following

information about each guest: the guest's name, address, signature, room assignment and dates of accommodation. The licensee shall keep such guest registration records shall be kept on file for three years, and, upon request by any authorized city official, shall be made available for inspection by such city official during regular business hours or in case of an emergency; Except in cases where a licensee consents to disclosure of the applicable guest registration records or an exception to a warrant applies, including exigent circumstances, guest registration records shall be subject to disclosure to an authorized city official pursuant only to a proper search warrant, administrative subpoena, judicial subpoena, or other lawful procedure to compel the production of records that affords the licensee an opportunity for precompliance review by a neutral decisionmaker;

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-6-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-300 Vacation rentals.

(a) Definitions. As used in this section:

(Omitted text is unaffected by this ordinance)

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"Guest suite" means a dwelling unit that is available for rent or for hire for transient occupancy solely by the ~~guests~~ invitees or family members of residents of the building which contains the dwelling unit, and is not offered, advertised or made available for rent or hire to members of the general public. As used in this definition, the term "family members" has the meaning ascribed to that term in Section 4-14-010.

(Omitted text is unaffected by this ordinance)

(f) *Legal duties.*

(Omitted text is unaffected by this ordinance)

(3) Maintenance of records - Required. Each licensee engaged in the business of vacation rental shall have a duty to keep the guest registration records required under subsection (f)(2) of this section on file for three years and, upon request by any authorized city official, to make such records available for inspection by such city official during regular business hours or in the case of an emergency. Except in cases where a licensee consents to disclosure of the applicable guest registration records or some other exception to a warrant applies, including exigent circumstances, guest registration records shall be subject to disclosure to an authorized city official pursuant only to a proper search warrant, administrative subpoena, judicial subpoena, or other lawful procedure to compel the production of records that affords the licensee an opportunity for

precompliance review by a neutral decisionmaker.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-13-215 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

Section 4-13-215 Attestation - Acknowledgment - Required.

The intermediary shall be required to make available an electronic copy of a summary of the requirements of this ordinance, including the requirement that the shared housing host be a natural person; the eligibility requirements for registration of a shared housing unit, as set forth in Chapters 4-13 and 4-14 of the Municipal Code of Chicago, and the potential penalties applicable for violation of the ordinance. As a condition of listing on the platform, the intermediary shall require the shared housing host to attest that the host has reviewed and ~~understood~~ the summary of the requirements of this ordinance and to acknowledge that the listing, rental and operation of shared housing units in the City are subject to those requirements.

SECTION 4. Section 4-14-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-14-020 Shared housing unit registration - Required.

(Omitted text is unaffected by this ordinance)

(c) (1) **Attestation - Accurate information - Required.** It shall be unlawful for any shared housing host: (i) not to submit any the attestation required under Section 4-13-215, or (ii) to submit an incomplete or false ~~attestation~~ information on the registration application required under ~~Section A 13-215~~ subsection (b) of this section.

(2) **False statements.** ~~The attestation required under this subsection (c)~~ Any information on a registration application submitted pursuant to subsection (b) of this section shall be deemed to be an ~~attestation~~ application to the city within the meaning of the False Statements Ordinance, Chapter 1-21 of this Code, regardless of the method by which such ~~attestation~~ information is submitted or transmitted to the department.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 4-14-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-14-040 Legal duties.

(Omitted text is unaffected by this ordinance)

(b) Operating requirements. Each shared housing host shall comply with the following operating requirements:

(Omitted text is unaffected by this ordinance)

(9) Maintenance of records - Required. Each shared housing host shall keep the guest registration records required under subsection (b)(8) of this section on file for three years and, upon request by any authorized city official, shall make such records available for inspection by such city official during regular business hours or in the case of an emergency. Except in cases where a shared housing host consents to disclosure of the applicable guest registration records or some other exception to a warrant applies, including exigent circumstances, guest registration records shall be subject to disclosure to an authorized city official pursuant only to a proper search warrant, administrative subpoena, judicial subpoena, or other lawful procedure to compel the production of records that affords the licensee an opportunity for precompliance review by a neutral decisionmaker.

(Omitted text is unaffected by this ordinance)

SECTION 6. This ordinance shall take full force and effect upon its passage and approval.

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02016-8627

Chicago, February 22, 2017

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Mayor Rahm Emanuel at the request of the Commissioner of Business Affairs and Consumer Protection (which was referred on December 14, 2016), to amend Chapters 4-6, 4-13 and 4-14 of the Municipal Code of Chicago regarding legal duties of bed-and-breakfast establishment, vacation rental and shared housing unit licensees, begs leave to recommend that Your Honorable Body pass the substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on February 15, 2017, Aldermen Quinn, O'Shea and Smith opposed.

CHAIRMAN, COMMITTEE ON LICENSE AND CONSUMER PROTECTION

Respectfully submitted,