Legislation Details (With Text)

File #:	O2017-6485		
Type:	Ordinance	**Status:**	Failed to Pass
File created:	9/6/2017	**In control:**	City Council
		Final action:	
Title:	Amendment of Municipal Code Chapter 5-12 by modifying various sections of Residential Landlord and Tenants Ordinance regarding landlord access to dwelling unit, building security, and tenant immigration status		
Sponsors:	Mell, Deborah, Ramirez-Rosa, Carlos, Moreno, Proco Joe, Hopkins, Brian, Dowell, Pat, King, Sophia D., Sawyer, Roderick T., Sadlowski Garza, Susan, Cardenas, George A., Foulkes, Toni, Moore, David H., Curtis, Derrick G., Munoz, Ricardo, Solis, Daniel, Maldonado, Roberto, Taliaferro, Chris, Reboyras, Ariel, Santiago, Milagros, Waguespack, Scott, Austin, Carrie M., Villegas, Gilbert, Mitts, Emma, Napolitano, Anthony V., Smith, Michele, Tunney, Thomas, Arena, John, Cappleman, James, Osterman, Harry, Moore, Joseph		
Indexes:	Ch. 12 Residential Landlords & Tenants		
Attachments:	1. O2017-6485.pdf		

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
9/12/2017	1	Committee on Housing and Real Estate	Remove Co-Sponsor(s)	
9/6/2017	1	City Council	Referred	

ORDINANCE

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

SECTION 1. Section 5-12-010 ofthe Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

5-12-010 Title, purpose and scope.

This chapter shall be known and may be cited as the "Residential Landlord and Tenant Ordinance", and shall be liberally construed and applied to promote its purposes and policies.

It is the purpose of this chapter and the policy of the city, in order to protect and promote the public health, safety and welfare of its ~~citi~~zens residents, regardless of immigration status, to establish the rights and obligations of the landlord and the tenant in the rental of dwelling units, and to encourage the landlord and the tenant to maintain and improve the quality of housing.

This chapter applies to, regulates and determines rights, obligations and remedies under every rental agreement for a dwelling unit located within the City of Chicago, regardless of where the agreement is made, subject only to the limitations contained in Section 5-12-020. This chapter applies specifically to rental agreements for dwelling units operated under subsidy programs of agencies ofthe United States and/or the State of Illinois, including specifically programs operated or subsidized by the Chicago Housing Authority and/or the Illinois Housing Development Authority to the extent that this chapter is not in direct conflict with

statutory or regulatory provisions governing such programs.

SECTION 2. Section 5-12-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows

5-12-050 Landlord's right of access.

A tenant shall not unreasonably withhold consent to the landlord to enter the dwelling unit:

a) To make necessary or agreed repairs, decorations, alterations or improvements;

b) To supply necessary or agreed services;

c) To conduct inspections authorized or required by any government agency;

d) To exhibit the dwelling unit to prospective or actual purchasers, mortgagees, workmen or contractors;

e) To exhibit the dwelling unit to prospective tenants 60 days or less prior to the expiration of the existing rental agreement;

f) For practical necessity where repairs or maintenance elsewhere in the building unexpectedly require such access;

(g) To determine a tenant's compliance with provisions in the rental agreement; and

(h) In case of emergency.

The landlord shall not abuse the right of access or use it to harass the tenant. Except in cases where access is authorized by subsection (f) or (h) of this section, the landlord shall give the tenant notice of the landlord's intent to enter of no less than two days. Such notice shall be provided directly to each dwelling unit by mail, telephone, written notice to the dwelling unit, or by other reasonable means designed in good faith to provide notice to the tenant. If access is required because of repair work for common facilities or other apartments, a general notice may be given by the landlord to all potentially affected tenants that entry may be required. In cases where access is authorized by subsection (f) or (h) of this section, the landlord may enter the dwelling unit without notice or consent ofthe tenant. The landlord shall give the tenant notice of such entry within two days after such entry.

The landlord may enter only at reasonable times except in case of an emergency. An entry between 8:00 a.m. and 8:00 p.m. or at any other time expressly requested by the tenant shall be presumed reasonable.

<u>The landlord may provide law enforcement access to a tenant's dwelling unit only when law enforcement agents present a valid judicial search warrant for the unit. Law enforcement agents, including those seeking to enforce immigration orders, must present a valid judicial search warrant to enter a private dwelling unit without express consent of the unit's lessor.</u>

SECTION 3. Section 5-12-071 ofthe Municipal Code of Chicago is hereby created by inserting the

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language underscored, as follows:

5-12-071 Multiple-dwelling security.

Landlords must equip all centrally accessible front and rear entrance doors of multiple-dwelling buildings, as defined in section S 13-56-040. with deadlock latches. The deadlocking latch must automatically engage once the door is shut and can only be opened from the outside with a key, from the inside it must be opened by turn knob or handle only.

SECTION 4. Section 5-12-141 ofthe Municipal Code of Chicago is hereby created by inserting the language underscored, as follows:

5-12-141 Prohibition on immigration status inquiries by landlord.

It is declared to be against public policy of the City of Chicago for a landlord to take any action based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of a dwelling unit. No landlord or any agent of the landlord shall do any of the following:

(a) Make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of a residential rental property; or

(b) Reguire that any tenant, prospective tenant, occupant, or prospective occupant of the rental property make any statement, representation, or certification concerning his or her immigration or citizenship status-

Nothing in this section shall prohibit a landlord from either:

a) Complying with any legal obligation under state or federal law: or

b) Reouestinq information or documentation necessary to determine or verify the financial Qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant.

SECTION 5. Section 5-12-150 ofthe Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

5-12-150 Prohibition on retaliatory conduct by landlord.

It is declared to be against public policy of the City of Chicago for a landlord to take retaliatory action against a tenant, except for violation of a rental agreement or violation of a law or ordinance. A landlord may not knowingly terminate a tenancy, increase rent, decrease services, bring or threaten to bring a lawsuit against a tenant for possession, threaten to disclose the immigration or citizenship status of a tenant,

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occupant, or other person known to the landlord to be associated with a tenant or occupant, or refuse to renew a lease or tenancy because the tenant has in good faith:

a) Complained of code violations applicable to the premises to a competent governmental agency, elected representative or public official charged with responsibility for enforcement of a building, housing, health or similar code; or

b) Complained of a building, housing, health or similar code violation or an illegal landlord practice to a community organization or the news media; or

c) Sought the assistance of a community organization or the news media to remedy a code violation or illegal landlord practice; or

d) Requested the landlord to make repairs to the premises as required by a building code, health ordinance, other regulation, or the residential rental agreement; or

e) Becomes a member of a tenant's union or similar organization; or

f) Testified in any court or administrative proceeding concerning the condition ofthe premises; or

g) Exercised any right or remedy provided by law.

SECTION 6. This ordinance shall be in full force and effect upon passage and publication.

DEBORAH MELL
ALDERMAN, 33rd WARD

CARLOS RAMIREZ=ROSA
ALDERMAN, 35™ WARD

Alderman Derrick Curtis, 18th Ward

Alderman Matt O'Shea, 19th Ward

Alderman Willie B. Cochran, 20<h Ward

Alderman Howard B. Brookins, Jr., 21st Ward

Alderman Leslie Hlairston, 5th Ward
fderman Roderick Sawyer, 601 Ward

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Alderman Margaret Laurino, 39 Ward

Alderman Debra Silverstein, 50 Ward

Chicago City Council Co-Sponsor Form

Document No.: O2017-6485

Subject: Amend Code Ch. 5-12

Adding Co-SponsorCs)

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

. Ward) . Ward) Ward) . Ward) . Ward)

Principal Sponsor:

Removing Co-Sponsorfs)

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

Alderman 7]. fij^?

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Date Filed:

Final Copies to be filed with:

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

•*Sponsor Form OCC 9.2016*

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