



City of Chicago



O2017-6485

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 9/6/2017

Sponsor(s): Mell (33)
Ramirez-Rosa (35)
Moreno (1)
Hopkins (2)
Dowell (3)
King (4)
Sawyer (6)
Sadlowski Garza (10)
Cardenas (12)
Foulkes (16)
Moore (17)
Curtis (18)
Munoz (22)
Solis (25)
Maldonado (26)
Taliaferro (29)
Reboyras (30)
Santiago (31)
Waguespack (32)
Austin (34)
Villegas (36)
Mitts (37)
Napolitano (41)
Smith (43)
Tunney (44)
Arena (45)
Cappleman (46)
Osterman (48)
Moore (49)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 5-12 by modifying various sections of Residential Landlord and Tenants Ordinance concerning landlord access to dwelling unit, building security, and tenant immigration status

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

ORDINANCE

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

SECTION 1. Section 5-12-010 of the 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 ~~citizens~~ 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 of the 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 of the 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.

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.

SECTION 3. Section 5-12-071 of the Municipal Code of Chicago is hereby created by inserting the 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 § 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 of the 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) Require 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) Requesting 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 of the 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.

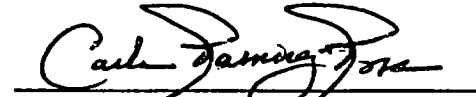
It is declared to be against public policy of the City of Chicago for a landlord to take retaliatory action against a tenant, except for violation of a rental agreement or violation of a law or ordinance. A landlord may not knowingly terminate a tenancy, increase rent, decrease services, bring or threaten to bring a lawsuit against a tenant for possession, threaten to disclose the immigration or citizenship status of a tenant, 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 of the 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, 35TH WARD

Joe Moreno

Alderman Proco Joe Moreno, 1st Ward

Brian Hopkins

Alderman Brian Hopkins, 2nd Ward

Pat Dowell

Alderman Pat Dowell, 3rd Ward

Sophia D. King

Alderman Sophia D. King, 4th Ward

Alderman Leslie Hairston, 5th Ward

Roderick Sawyer

Alderman Roderick Sawyer, 6th Ward

Alderman Gregory I. Mitchell, 7th Ward

Alderman Michelle Harris, 8th Ward

Alderman Anthony Beale, 9th Ward

Alderman Susan Sadlowski Garza, 10th Ward

Alderman Patrick D. Thompson, 11th Ward

Alderman George A. Cardenas, 12th Ward

Alderman Marty Quinn, 13th Ward

Alderman Edward M. Burke, 14th Ward

Alderman Raymond Lopez, 15th Ward

Alderman Toni Foulkes, 16th Ward

Alderman David Moore, 17th Ward

Derrick Curtis

Alderman Derrick Curtis, 18th Ward

Alderman Matt O'Shea, 19th Ward

Alderman Willie B. Cochran, 20th Ward

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

Alderman Ricardo Muñoz, 22nd Ward

Alderman Michael Zalewski, 23rd Ward

Alderman Michael Scott, Jr., 24th Ward

Alderman Daniel S. Solis, 25th Ward

Alderman Roberto Maldonado, 26th Ward

Alderman Walter Burnett, Jr., 27th Ward

Alderman Jason Ervin, 28th Ward

Alderman Christopher Tafiaferro, 29th Ward


Alderman Ariel E. Reboyras, 30th Ward


Alderman Milly Santiago, 31st Ward

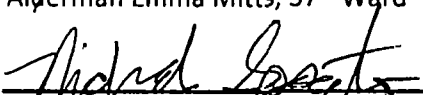
Alderman Scott Waguespack, 32nd Ward

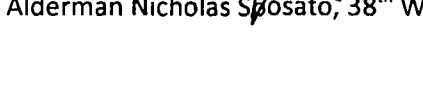
Alderman Deborah L. Mell, 33rd Ward

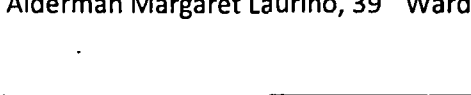
Alderman Carrie M. Austin, 34th Ward


Alderman Carlos Ramirez-Rosa, 35th Ward


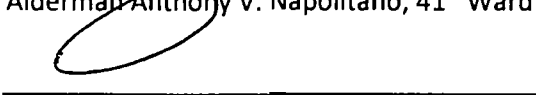
Alderman Gilbert Villegas, 36th Ward


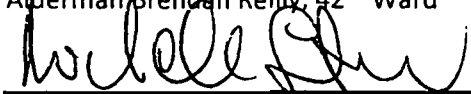
Alderman Emma Mitts, 37th Ward



Alderman Nicholas Spasato, 38th Ward


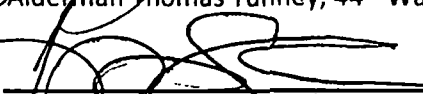
Alderman Margaret Laurino, 39th Ward


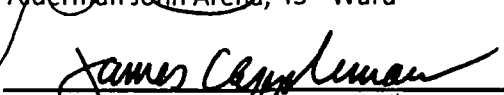
Alderman Patrick J. O'Connor, 40th Ward


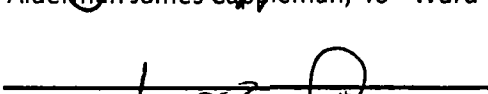
Alderman Anthony V. Napolitano, 41st Ward



Alderman Brendan Reilly, 42nd Ward


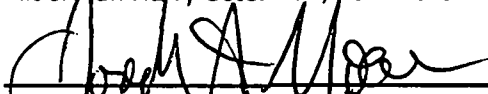
Alderman Michele Smith, 43rd Ward



Alderman Thomas Tunney, 44th Ward



Alderman John Arena, 45th Ward


Alderman James Capoleman, 46th Ward


Alderman Ameva Pawar, 47th Ward


Alderman Harry Osterman, 48th Ward


Alderman Joseph Moore, 49th Ward


Alderman Debra Silverstein, 50th Ward


Chicago City Council Co-Sponsor Form

Document No.: O2017-6485

Subject: Amend Code Ch. 5-12

Adding Co-Sponsor(s)

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

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Date Filed: _____ Principal Sponsor: _____
(Signature)

Removing Co-Sponsor(s)

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

Alderman Nicholas Sparks (38th Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Date Filed: 9/12/17

Final Copies to be filed with:

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

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