

ORDINANCE

WHEREAS, Landlords have a general responsibility to guarantee that their tenants' housing is habitable and safe and property owners have a general duty to provide a safe, non-hazardous environment for visitors and guests on their property; and

WHEREAS, Specifically, under the Residential Landlord and Tenant Ordinance, landlords have an obligation to "maintain windows, exterior doors or basement hatchways in sound condition and repair and substantially tight and to provide locks or security devices ... including deadlatch locks, deadbolt locks, sash or ventilation locks, and front door windows or peepholes"; and

WHEREAS, In recent years, buildings across the City have faced various health and safety issues, including robberies and attacks in hallways and other common areas; and

WHEREAS, While certain buildings may tend to attract more crime, the failure to provide security contributes to this risk, and the landlord-tenant relationship requires proactive efforts from landlords to ensure that residents and their families have a safe and habitable living environment; now, therefore

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

SECTION 1. Section 5-12-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

5-12-020 Exclusions.

Rental of the following dwelling units shall not be governed by this chapter, unless the rental agreement thereof is created to avoid the application of this chapter:

(a) Dwelling units in owner-occupied premises containing six units or fewer; provided, however, that Sections 5-12-071, 5-12-130(j), and 5-12-160 shall apply to every rented dwelling unit in such premises within the City of Chicago;

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 5-12 of the Municipal Code of Chicago is hereby amended by inserting a new Section 5-12-071, as follows:

5-12-071 Landlord's responsibility to provide security.

(a) *Security Requirement.* The landlord shall maintain the premises in a safe and secure manner in compliance with all applicable provisions of the municipal code. If the premises meets the definition of "chronic illegal activity premises", as defined in Section 8-4-087, then, notwithstanding anything in Section 8-4-087 to the contrary, the landlord shall hire licensed private security officers, who have the authority to stop and detain individuals pursuant to applicable law, to secure the premises 24 hours a day, seven days a week for a minimum of 18 months following the premises being a chronic illegal activity premises.

(b) *Exemptions.* This section shall apply only to premises containing four units or more within the City of Chicago.

(c) *Failure to Provide Security.* Material noncompliance with Section 5-12-070 shall include, but is not limited to, noncompliance with this section. If there is material noncompliance by the landlord with this section which constitutes an immediate danger to the health and safety of the tenant, the tenant may give written notice to the landlord specifying the noncompliance or failure. If the landlord has, pursuant to this chapter or in the rental agreement, informed the tenant of an address at which notices to the landlord are to be received, the tenant shall mail or deliver the written notice required in this section to such address. If the landlord has not informed the tenant of an address at which notices to the landlord are to be received, the written notice required in this section shall be delivered by mail to the last known address of the landlord or by other reasonable means designed in good faith to provide written notice to the landlord. After such notice, the tenant may during the period of the landlord's noncompliance or failure:

(1) Recover damages based on the reduction in the fair rental value of the dwelling unit; or

(2) Procure substitute housing, in which case the tenant is excused from paying rent for the period of the landlord's noncompliance. The tenant may recover the cost of the reasonable value of the substitute housing up to an amount equal to the monthly rent for each month or portion thereof of noncompliance as prorated.

(d) *Other Remedies.* In addition to the remedies set forth in Section 5-12-071(c)(1) – (2), and in addition to any enforcement action against the landlord under Section 8-4-087, the tenant may:

(1) Withhold from the monthly rent an amount that reasonably reflects the reduced value of the premises due to the material noncompliance or failure if the landlord fails to correct the condition within 24 hours after being notified by the tenant; provided, however, that no rent shall be withheld if the failure is due to the inability of a security contractor to access the premises due to extreme weather or other conditions beyond the landlord's control; or

(2) Terminate the rental agreement by written notice to the landlord if the material noncompliance or failure persists for more than 72 hours after the tenant has notified the landlord of the material noncompliance or failure; provided, however, that no termination shall be allowed if the failure is due to extreme weather or other conditions beyond the landlord's control. If the rental agreement is terminated, the landlord shall return all prepaid rent, security deposits and interest thereon in accordance with Section 5-12-080 and tenant shall deliver possession of the dwelling unit to the landlord within 30 days after the expiration of the 72-hour time period specified in the notice. If possession shall not be so delivered, then the tenant's notice shall be deemed withdrawn and the lease shall remain in full force and effect.

SECTION 3. Section 8-4-087 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

8-4-087 Chronic illegal activity premises.

(Omitted text is unaffected by this ordinance)

(e) *Construction of section.* Nothing in this section shall be construed to: (1) ~~to~~ constitute an act of possession, ownership or control by the city over the applicable premises; or (2) ~~to~~ deny any common law or statutory right to anyone to abate a nuisance at such premises, or deny any available remedy under this Code, including pursuant to Chapter 5-12; or (3) ~~to~~ affect the status of any ongoing city prosecution or other action related to such premises; or (4) ~~to~~ prevent the

issuance of a citation to or arrest or prosecution of any person for any violation of the Municipal Code of Chicago or other applicable law at such premises; or (5) to permit at such premises any activity prohibited by law.

SECTION 4. Section 13-72-105 of the Municipal Code of Chicago is hereby repealed in its entirety and replaced with the following:

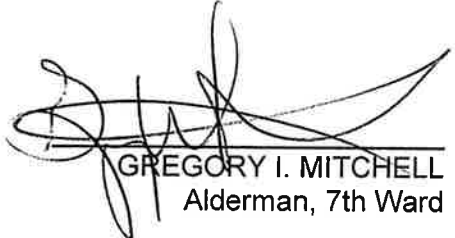
13-72-105 Provision of security for condominiums and cooperative buildings.

(a) The governing association of a condominium or cooperative building, each as defined in Section 7-28-84, shall maintain the premises in a safe and secure manner in compliance with all applicable provisions of the municipal code, including by providing security for the premises if the governing association determines appropriate.

(b) Unless otherwise provided in Section 5-12-071 or other applicable law, neither members of City Council, by virtue of their office, nor the Police Department, have a general duty to secure private property or to ensure residences are maintained in a safe and secure manner.

(c) Notwithstanding any other provision of this Code to the contrary, there shall be no fine imposed for violation of this section.

SECTION 5. This ordinance shall take effect 10 days after passage and publication.



GREGORY I. MITCHELL
Alderman, 7th Ward