

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 12 ("HOUSING"), ARTICLE 2 ("RESIDENTIAL RENTAL LICENSE"), SECTION 12-2-1 ("LICENSE REQUIRED") AND CHAPTER 13 ("HUMAN RIGHTS") OF THE OAK PARK VILLAGE CODE

WHEREAS, on July 18, 2016, the Village Board adopted Ordinance Number 16-088, titled "Ordinance Amending Chapter 12 ("Housing") and Chapter 13 ("Human Rights") of the Oak Park Village Code for the Purpose of Implementing Performance Based Multi-Family Rental Licensing and Inspection;" and

WHEREAS, the Ordinance Number 16-088 amended the Oak Park Village Code to remove the requirement that security deposits be valued at no less than one month's rent); and

WHEREAS, the intent of the Ordinance was only to add an alternative to collecting a security deposit and not to change the existing requirements of security deposits.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 12 ("Housing"), Article 2 ("Residential Rental License"), Section 12-2-1 ("License Required") of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

12-2-1: LICENSE REQUIRED:

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C. All rental licenses ~~previously~~ issued in 2016 for multi-family residential buildings with four (4) or more rental dwelling units ~~which shall expire in 2016~~ on December 31, 2017 and shall be extended from the date of their next inspection for a period of sixty (60) days thereafter. Said extension shall not be applicable to a conditional license. Within fifteen (15) days following the inspection, the Development Customer Services Department shall provide the building owner an application for the applicable license type pursuant to this section. The building owner must submit the completed application and license fee pursuant to Section 12-2-5 of this Article within thirty (30) days thereafter.

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J. Licenses shall be classified as follows:

License Type	Renewal Frequency	Application/ Fee	Inspection Attendance	Inspection Performance	Mitigation Plan
Small Rental (<4 units)	2 years	N/A	N/A	N/A	N/A
Gold	4 years	on time	Present and on time	Up to 0.75 violations/ permits <u>per unit</u>	Not required
Silver	2 years	on time	Present and on time	>0.75-1.5 violations/ permits <u>per unit</u>	Not required
Bronze	1 year	late/on time	Unexcused late/no-show	>1.5-3 violations/ permits <u>per unit</u>	Not required
Conditional	6 months	late/on time	Unexcused late/no-show	>3 violations/ permits <u>per unit</u>	Required

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Section 3. Village Code Amended. Chapter 13 (“Human Rights”), Section Article 2 (“Unlawful Real Estate Practices”), Section 13-2-1 (“Unlawful Real Estate Practices; Regulations”) of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

13-2-1: UNLAWFUL REAL ESTATE PRACTICES; REGULATIONS:

It shall be unlawful for any person with respect to real estate located in Oak Park to:

- A. Persuade To Sell: Persuade or induce any owner to discriminate in the sale of real estate.
- B. Discriminate In Services: Discriminate against any person in furnishing services in connection with real estate sale of real estate.
- C. Discriminate In Terms: Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith sale of real estate.

D. Change Of Status: For profit, seek to induce owners to sell real estate or attempt to obtain listings of real estate for sale or lease by representing or suggesting that any prospective or present change in any of the classifications set forth in Section 13-1-2 of this chapter, as amended, will cause a decline in the value of the real estate in the applicable neighborhood.

E. Refuse To Disclose Information: Refuse to disclose to any bona fide prospective buyer or lessee because of any of the classifications set forth in Section 13-1-2 of this chapter, as amended, the address and description of any property listed for sale or lease or the terms upon which it is offered, or refuse to show for that reason to any bona fide prospective buyer or lessee any listing sheet or rental list in the person's possession relating to such property.

F. Indication Of Preference: Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based any of the classifications set forth in Section 13-1-2 of this chapter, as amended, or an intention to make any such preference, limitation or discrimination.

G. Pay Commission: Pay a commission or any consideration to any person for acts or services performed in violation of this Article.

H. Misrepresent Property: Represent to any person because of any of the classifications set forth in Section 13-1-2 of this chapter, as amended, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

I. Discriminate In Lending: Discriminate in lending or furnishing financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance. For the purpose of this subsection, discrimination shall include refusal to make loans, differentiating in the type of terms of loans, including interest rates, charges to buyer or seller, duration and amount of loan, influencing appraisals in connection with loans or delaying of loan applications.

J. Unauthorized Advertisement: Advertise that any property is for sale or for rent in a newspaper or other publication without the written consent of the owner or the owner's authorized agent.

K. Unwanted Solicitation: For any person to solicit any property for sale or rental or the listing of any property for sale or rental at any time notice has been given that any owner or tenant of such real estate does not desire to sell or lease such real estate or does not desire to be solicited. For the purpose of this subsection 13-2-1K, notice shall be given by the Development Customer Services Department by preparing a list of the names and addresses of persons who have advised the Development Customer Services Department they do not desire to be solicited, said list to be prepared both alphabetically and by street address, and said list shall be published by the Development Customer Services Department as follows:

1. By maintaining a copy of said list in the office of the Development Customer Services Department available for inspection, and

2. By furnishing a copy of said list annually, plus a monthly list of additions and deletions to every real estate broker in the Village, and

3. By filing annually a copy of said list with the Commission of Human Relations of the state of Illinois plus a monthly list of additions and deletions thereto, and

4. By furnishing a copy of said list on request, without charge, to any person having an interest in the sale or rental of real estate in Oak Park.

In addition, any owner or renter may notify in writing any real estate agent or broker or any other person that such owners or renters do not wish to list for sale such residential property.

L. Insurance: For any person to discriminate in the sale of insurance in connection with real estate.

M. Differentiate In Lending: Differentiate in lending in connection with loans to be secured by property in Oak Park because of any of the classifications set forth in Section 13-1-2 of this chapter, as amended, living in Oak Park or of the persons living in the neighborhood of the property to be used as security for the loan or because of prospective or present changes in any of the classifications set forth in Section 13-1-2 of this chapter, as amended, living in Oak Park or in the neighborhood of the property to be used as security for the said loan. For the purpose of this subsection 13-2-1M, differentiate in lending shall include:

1. To refuse to make loans; or

2. To differentiate in the type of loans, including interest rates, charges to buyer or seller, duration and amount of loan; or

3. To influence appraisals in connection with loans; or

4. To delay processing loan applications.

N. Reports Of Rentals: It is the policy of the President and Board of Trustees to prevent the segregation by race of any part of the Village. In order to prevent persons selling or renting real estate, whether as owner or otherwise, from selling or renting on the basis of the race of the buyer or lessee, the Village Manager is directed to review and investigate sales and rentals of residential property to determine if said sales and rentals are in accordance with the provisions of this Chapter.

~~N~~ O. Attempt To Influence: Influence or attempt to influence or steer by any words, acts or failure to act, any person who is a prospective seller, purchaser or tenant of real property in

connection with the sale or rental of said property so as to cause or contribute to racially segregated housing or so as to retard, obstruct or discourage racially integrated housing in any building, street, block or neighborhood. Steering shall also consist of the practice of displaying listings or showing prospective nonminority purchasers or renters units for sale or rent only in areas that are predominantly occupied by nonminority residents or by displaying listings or showing prospects of a minority race units for sale or rent in areas containing predominantly minority residents or areas that adjoin areas containing predominantly minority residents. Selling a prospect a home as a result of an open house shall not constitute steering by the broker.

Section 3. Village Code Amended. Chapter 13 ("Human Rights"), Article 5 ("Unlawful Management Practices"), Section 13-5-1 ("Unlawful Management Practices; Regulations") of the Oak Park Village Code is amended to add the underlined language and delete the overstricken language to read as follows:

13-5-1: UNLAWFUL MANAGEMENT PRACTICES; REGULATIONS:

A. Applicability. Unless otherwise provided, this Article shall apply only to multiple family residences containing four (4) or more rental dwelling units. For the purpose of this Article, a dwelling unit is defined as a portion of a building containing culinary facilities and arranged, designed and exclusively used or maintained for use by one family as a separate housekeeping unit.

This Article shall not apply to hotels. A hotel is defined as "a building in which living or sleeping facilities are provided for compensation and offered to transient guests and in which one or more customary services such as maid and linen service or telephone service are provided." For the purposes of this Article, the term "hotel" shall also mean motel.

B. Lease Required. No dwelling unit shall be rented without a written lease having been executed on behalf of the owner and the tenant, regardless of the number of units in a building. This requirement shall not apply to the renewal of tenancies existing as of April 1, 2016.

C. Application and Fees. No dwelling unit shall be rented without the owner or agent first having obtained a written application, along with a security deposit or one-time, non-refundable move-in fee not to exceed five hundred dollars (\$500.00). An owner or agent shall not require both a security deposit and a move-in fee as a condition of any lease pursuant to this section. If an owner or agent chooses to collect a security deposit, the value of the security deposit must be no less than one month's rent. However, this provision shall not apply to renewals of existing leases.

D. Showing of Dwelling Units. Any person showing a dwelling unit for the purpose of renting said dwelling unit must have knowledge of this Chapter 13 of the Code of the Village.

E. Processing of Application for Rental of a Dwelling Unit. Any person accepting and/or processing an application for a dwelling unit must:

1. Have a knowledge of this Chapter 13 of the Code of the Village;
2. Have a knowledge of the laws and practices in connection with rental and management of multiple family dwellings; and
3. Attend a seminar on housing practices to be conducted by the Village. Such a seminar must be attended at least once each calendar year.

F. Copies of Applications. Copies of applications for apartments shall be furnished by the owner or manager to all agents having authority to accept such applications. No agent shall represent that an application has been made for a dwelling unit unless he or she has, in fact, knowledge that such application has been made.

Section 5. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as required by law.

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ADOPTED this 6th day of September, 2016, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Salzman				
Trustee Tucker				

APPROVED this 6th day of September, 2016.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 6th day of September, 2016.

Teresa Powell, Village Clerk