



Agenda Item Summary

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Submitted By

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Reviewed By

AMZ

Agenda Item Title

A Motion to Concur with the Housing Programs Advisory Committee's Recommendation for the Village of Oak Park to Not Adopt Cook County Ordinance 20-3562 ("Residential Tenant and Landlord Ordinance")

Overview

On January 28, 2021, the Cook County Board of Commissioners adopted Cook County Ordinance 20-3562, cited as the Residential Tenant and Landlord Ordinance (RTLO). This ordinance provides for the comprehensive regulation of the rights and obligations of tenants and landlords in Cook County and is effective as of June 1, 2021. Without any action taken by the Village Board, most rental properties in Oak Park are under the jurisdiction and protection of the Cook County Ordinance for tenant and landlord regulations.

Recommendation

At its May 25, 2021, meeting, the Housing Programs Advisory Committee recommended against the local adoption of the Cook County Ordinance 20-3563, cited as the Residential Tenant and Landlord Ordinance (RTLO).

Staff Recommendation

Village staff does not support the Housing Programs Advisory Committee's recommendation and rather supports the local adoption of the Cook County Residential Tenant and Landlord Ordinance (RTLO) with the following amendments:

- 1.) A reference to the Village's occupancy standards;
- 2.) A reference to the Village's property maintenance code; and
- 3.) A reference to the Village's heat provision code.

For over 40 years, the Village of Oak Park has had a landlord-tenant ordinance and has been working with property owners to ensure that the Village's ordinances are followed. Residential property owners are provided with annual training, regarding their obligations, under the Village's ordinance. By adopting the Cook County ordinance (RTLO), the Village can enforce the County's ordinance provisions and can require owners to abide by the terms of said ordinance. If the Village does not adopt the County's ordinance provisions, Oak Park tenants would only be able to pursue a civil action. In addition, Village staff believes the adoption of the Cook County ordinance (RTLO) is necessary because we do not anticipate that Cook County will provide an active enforcement effort to assist Oak Park tenants.

Fiscal Impact

None.

Background

In Cook County, nearly 250,000 renter households lack basic tenants rights under the law, leaving them to potentially face unfair and unwritten fees, entry without notice, illegal lock-outs, unreturned security deposits without cause, etc., with limited legal recourse.

On January 28, 2021, the Cook County Board of Commissioners adopted Cook County Ordinance 20-3562, cited as the Residential Tenant and Landlord Ordinance (RTLO), which provides for the comprehensive regulation of the rights and obligation of tenants and landlords in Cook County. The ordinance became effective as of June 1, 2021, with an anti-lockout provision that went into effect immediately upon passage.

The Cook County ordinance (RTLO) was written over the course of more than a year and included extensive engagement with tenants-rights advocates, lawyers who operate in this space, mobile home organizations, and landlord/owner affiliate groups. More than 50 community organizations across Cook County are in support of the RTLO, which was unanimously passed by the Cook County Board of Commissioners.

The purpose of the Cook County Residential Tenant Landlord Ordinance (RTLO) is to protect and promote the public health, safety, and welfare of its citizens, to establish the rights and obligations of the tenant and the landlord in the rental of dwelling units, and to encourage the tenant and the landlord to maintain and improve the quality of housing. The ordinance provides legal safeguards and protections when tenants and landlords are not acting in good faith.

In several communities including Chicago, Evanston, and Mount Prospect, ordinances were already in place to provide the protections afforded in the RTLO. Therefore, these communities do not fall under the jurisdiction of the Cook County ordinance. The Oak Park Village Code does currently contain some elements of the Cook County ordinance. However, the Village's current ordinances do not address many of the protections that are now provided for in the new Cook County ordinance (RTLO).

On April 21, 2021, the Housing Programs Advisory Committee (HPAC) met to consider the Cook County RTLO. The options considered by Oak Park's HPAC were as follows: 1.) Do nothing and allow the Cook County ordinance (RTLO) to move forward without the Village taking any action; or 2.) Amend and adopt the Cook County ordinance (RTLO), with local amendments to the ordinance.

Representatives from Housing Action Illinois, Lawyers' Committee for Better Housing, the Oak Park Area Association of Realtors, the Oak Park Apartments, the Oak Park Residence Corporation, and other local building owners attended this April 21st meeting and made presentations to HPAC. There were eight written public comments presented to HPAC.

On May 25, 2021, Oak Park's HPAC met again to consider the Cook County Ordinance (RTLO) with the same options put before them as at the previous meeting. Staff provided Committee members with the Village's proposed ordinance, including local amendments mentioned previously, and stated again for clarity: 1.) A reference to the Village's occupancy standards; 2.) A reference to the Village's property maintenance code; and 3.) A reference to the Village's heat provision code.

Representatives from the Shriver Center on Poverty Law, Lawyers' Committee for Better Housing, the Progress Center for Independent Living, the Oak Park Apartments, the Oak Park Residence Corporation, the Oak Park Area Association of Realtors, and other local building owners attended the May 25th meeting. Advocates in favor of the Cook County ordinance made the recommendation to the committee to allow the Cook County ordinance (RTLO) to take effect without any intervention. Representatives from the building owners recommended the adoption of the Cook County ordinance with several amendments, as outlined in the attached "Exhibit Four" (Building Owners Recommended Amendments). Regarding the building owners recommended amendments, Village staff did not support said amendments. In addition, there were four written public comments presented to HPAC during the May 25th meeting.

A motion was made at the Housing Programs Advisory Committee (HPAC) to recommend, to the Village Board, against local adoption of the Cook County ordinance (RTLO). The motion by HPAC passed 3-0 against the local adoption of the RTLO.

Staff does not support HPAC's recommendation and supports the local adoption of the Cook County Residential ordinance (RTLO), with amendments, as specified. Adoption of this new Cook County ordinance would provide the Village with the ability to take enforcement actions locally, without prohibiting the tenants from also exercising their right to pursue civil action. The amendments, as presented, provide clarification and references to the existing Oak Park Village Code and have no impact on any of the tenant's rights. Staff has attached a copy of the proposed Village Ordinance ("Exhibit 1"), as presented to HPAC, with language to be removed crossed-through and new language to be added underlined.

Alternatives

Adopt the proposed ordinance attached as "Exhibit 1" at a future Village Board meeting.

Previous Board Action

N/A

Citizen Advisory Commission Action

Housing Programs Advisory Committee (HPAC) meetings were held on April 21, 2021, and May 25, 2021, to discuss the adoption of the Cook County Residential Tenant and Landlord Ordinance (RTLO). At the May 25, 2021 meeting, HPAC voted 3-0 against the local adoption of the RTLO.

Anticipated Future Actions/Commitments

N/A

Intergovernmental Cooperation Opportunities

N/A