At initial offering, this Summary of the ordinance must be attached to every written rental agreement and also upon initial offering for renewal. The Summary must also be given to a tenant at initial offering of an oral agreement, whether the agreement is new or a renewal. Unless otherwise noted, all provisions are effective as of November 6, 1986. (Mun. Code Ch. 5-12-170)

IMPORTANT NOTICE
A message about porch safety: The porch or deck of this building should be designed for a live load of up to 100 lbs. per square foot, and is safe only for its intended use. Protect your safety. Do not overload the porch or deck. If you have questions about porch or deck safety, call the City of Chicago non-emergency number, 3-1-1.

WHAT RENTAL UNITS ARE COVERED BY THE ORDINANCE? (MUN. CODE CH. 5-12-010 & 5-12-020)
• Rental units with written or oral leases (including all subsidized units such as CHA, BIDA, Section 8 Housing Choice Vouchers, etc.)
EXCEPT
• Units in owner occupied buildings with six or fewer units.
• Units in hotels, motels, rooming houses, unless rent is paid on a monthly basis and unit is occupied for more than 32 days.
• School dormitory rooms, shelters, employee’s quarters, non-residential rental properties.
• Owner occupied co-ops and condominiums.

WHAT ARE THE TENANT’S GENERAL DUTIES UNDER THE ORDINANCE? (MUN. CODE CH. 5-12-040)
The tenant, the tenant’s family and invited guests must comply with all obligations imposed specifically upon tenants by provision of the Municipal Code, applicable to dwelling units, including section 7-28-859:
• Buying and installing working batteries in smoke and carbon monoxide detectors within tenant’s apartment.
• Keeping the unit safe and clean.
• Using all equipment and facilities in a reasonable manner.
• Not deliberately or negligently damaging the unit.
• Not disturbing other residents.

LANDLORD’S RIGHT OF ACCESS (MUN. CODE CH. 5-12-050)
• A tenant shall permit reasonable access to a landlord upon receiving two days notice by mail, telephone, written notice or other means designed in good faith to provide notice.
• A general notice to all affected tenants may be given in the event repair work on common areas or other units may require such access.
• In the event of emergency or where repairs elsewhere unexpectedly require access, the landlord must provide notice within two days after entry.

SECURITY DEPOSITS AND PREPAID RENT (MUN. CODE CH. 5-12-060 AND 5-12-081)
• A landlord must give a tenant a receipt for a security deposit including the owner’s name, the date it was received and a description of the dwelling unit. The receipt must be signed by the person accepting the security deposit.
• However, if the security deposit is paid by means of an electronic funds transfer, the landlord has the option to give an electronic receipt. The electronic receipt must describe the dwelling unit, state the amount and date of the deposit, and have an electronic or digital signature. (eff. 10-8-10)
• However, the landlord may accept the payment of the first month’s rent and the security deposit in one check or one electronic funds transfer and deposit such rent and security deposit into one account, if the landlord within 5 days of such acceptance transfers the security deposit into a separate account. (eff. 10-8-10)
• A landlord must hold all security deposits in a federally insured interest-bearing account in a financial institution located in Illinois. Security deposits and interest thereon shall not be commingled with the assets of the landlord.
• A written rental agreement must specify the financial institution where the security deposit will be deposited. If there is no written rental agreement, the landlord must in writing provide such information to the tenant within 14 days of the receipt of the security deposit. If the security deposit is transferred to another financial institution, the landlord must notify the tenant within 14 days of the transfer the name and address of the new financial institution. (eff. 10-8-10)
SECURITY DEPOSITS AND PREPAID RENT (MUN. CODE CH. 5-12-080 AND 5-12-081) (cont.)

• A landlord may pay interest each year on security deposits and prepaid rent held more than six months. (eff. 1-1-92)

• The rate of interest a landlord must pay is set each year by the City Comptroller. (eff. 7-1-97)

• Before expenses for damages can be deducted from the security deposit, the landlord must provide the tenant with an itemized statement of the damages within 30 days of the date the tenant vacates the dwelling unit.

• A landlord must return all security deposits and required interest, if any, minus unpaid rent and expenses for damages, within 45 days from the date the tenant vacates the unit.

• In the event of a fire, a landlord must return all security deposit and required interest, if any, minus unpaid rent and expenses for damages, within seven days from the date that the tenant provides notice of termination of the rental agreement. (eff. 1-1-92)

• In the event of a sale or any other disposition of residential real property by a landlord, the successor landlord is liable to the tenant for any security deposit or prepaid rent paid to the original landlord. The successor landlord must notify the tenant, in writing, within 14 days from the disposition that the deposit or prepaid rent was transferred to the successor landlord. The original landlord remains liable for the deposit or prepaid rent until the original landlord transfers the deposit or prepaid rent to the successor landlord and provides proper notice of such transfer to the tenant. (Mun. Code Ch. 5-12-080 (e) eff. 5-18-10)

• Subject to correcting a deficient amount of interest paid to a tenant on a security deposit if a landlord fails to comply with specified security deposit requirements the tenant shall be awarded damages in an amount equal to the reduced value of the security deposit plus interest. (eff. 10-8-10)

WHAT ARE THE LANDLORD'S GENERAL DUTIES UNDER THE ORDINANCE?

• To give tenant written notice of the owner’s or manager’s name, address and telephone number. (Mun. Code Ch. 5-12-090)

• Within seven (7) days of being served a foreclosure complaint an owner or landlord of a premises that is the subject of the foreclosure complaint shall disclose, in writing, to all tenants of the premises that a foreclosure action has been filed. The owner or landlord shall also notify of a foreclosure unit, in writing, before a tenant signs a lease. (Mun. Code Ch. 5-12-095 eff.11-05-08)

• To give new or renewing tenants notice of:
  1) Code citations issued by the City in the previous 12 months;
  2) File suit against the landlord and recover damages based on the reduced value of the dwelling unit; OR
  3) Procure substitute housing and be excused from paying rent for that period. The tenant may also recover from the landlord’s cost

WHERE CAN I GET A COPY OF THE ORDINANCE?

• Tenants and brokers may obtain a copy of the ordinance at the Municipal Reference Library, Harold Washington Library, 5th Floor, 400 S. State Street, Chicago, Illinois.

FAILURE TO PROVIDE ESSENTIAL SERVICES (HEAT, RUNNING OR HOT WATER, ELECTRICITY, GAS OR PLUMBING) (MUN. CODE CH. 5-12-110(b))

• If, contrary to the lease, an essential service is not provided, or if the landlord fails to maintain the building in material compliance with the Code to such an extent that such failure constitutes an immediate danger to the health and safety of the tenant, and the tenant or tenant’s family or guests are not responsible for such failure, after giving written notice, the tenant may do ONE of the following:
  1) Procure substitute service, and upon presenting paid receipts to the landlord, deduct the cost from the rent; OR
  2) File suit against the landlord and recover damages based on the reduced value of the unit; OR
  3) Procure substitute housing and be excused from paying rent for that period. The tenant may also recover from the landlord the cost of substitute housing up to an amount equal to the monthly rent for each month or portion thereof; OR
  4) Request that the landlord correct the failure within 24 hours and if the landlord fails to do so, withhold the monthly rent an amount that reason-

ably reflects the reduced value of its premises. Rent withholding cannot start until after the 24 hours expires and applies only to days past the

• To not enforce prohibited lease provisions. (Mun. Code Ch. 5-12-140)

• If the tenant fails to pay rent on time, the landlord may charge a late fee of $10.00 per month on rents under $500 plus 5 percent per month on that part of the rent that exceeds $500.00 (i.e., for a $450.00 monthly rent the late fee is $10.00; for a $700 monthly rent the late fee is $10 plus 5% of $200.00 or $20.00 total) (eff. 1-1-92)

WHAT HAPPENS IF A TENANT PAYS RENT LATE? (MUN. CODE CH. 5-12-140 (h))

• The tenant may sue the landlord to recover possession of the unit and have the necessary work done. In this case, the tenant shall be responsible for all costs of repairs.

LOCKOUTS (MUN. CODE CH. 5-12-160)

• If the landlord accepts the rent due knowing that there is a default in payment, the tenancy may continue until a written termination notice is given, and then the landlord must be given ten days’ notice to cure the default.

PROHIBITION ON RETALIATORY CONDUCT BY LANDLORD (MUN. CODE CH. 5-12-150)

• A landlord shall not retaliate or testify in good faith about their tenant’s compliance with city ordinances or policies, police, media, community groups, tenant unions or the landlord. A landlord is prohibited from retaliating by terminating or threatening to terminate a tenancy, increasing rent, decreasing services, bringing or threatening to bring an eviction action, or refusing to renew a lease agreement.

ATTORNEY’S FEES (MUN. CODE CH. 5-12-180)

• In eviction actions, the prevailing plaintiff in any action arising from the application of this Ordinance shall be entitled to recover all court costs and other allowable damages. (eff. 1-1-92)

WHERE CAN I GET A COPY OF THE ORDINANCE?

• For a copy of the ordinance, visit the Office of the City Clerk, Room 107, City Hall, 121 North LaSalle Street, Chicago, Illinois or view it at the Municipal Reference Library, Harold Washington Library, 5th Floor, 400 S. State Street, Chicago, Illinois.

Approved by the City of Chicago, June 31, 2013; Summary Revised 2020