

HOUSING 101: Rental Rights and Protections

DATE: January 27, 2023

Community Engagement, Racial Equity, Strategic Initiatives (CERESI)

MAYOR OF THE CITY OF CHICAGO



Brandon Johnson
Mayor
City of Chicago





AGENDA + GOALS & OBJECTIVES

- Welcome and opening
- About the Department of Housing
- Housing 101:
 - Affordable Requirements Ordinance (ARO)
 - Renters Rights and Protections
 - Evictions and Lockouts
 - Assistance Programs and Community Resources
 - Right to Counsel Pilot Program
 - Legal and Housing Resources
- Questions and Answers
- Close

- Introduce residents to Chicago DOH and our work.
- Share information on where community residents can get help with housing and eviction issues
- Educate participants on the eviction process
- Answer housing questions and share resources on where to go if community members need more information



MISSION, VISION, VALUES

The mission of Chicago's Department of Housing is to expand access and choice for residents and protect their right to quality homes that are affordable, safe, and healthy.

The equitable distribution of resources across all 77 communities so that every Chicagoan can choose and remain in quality housing that is affordable, safe, and healthy.

Equitable | Collaborative | Dedicated | Resourceful





HOUSING LEADERSHIP



Kenya Merritt
Deputy Mayor
Business and Neighborhood
Development



Lissette Castañeda
Department of Housing
Acting Commissioner



Natasha Hamilton
Managing Deputy
Commissioner, CERES



Jim Horan
Managing Deputy
Commissioner, Housing
Development Programs



COMMITMENT TO EQUITY



1. Support community healing

Catalyze city-wide momentum for healing that promotes building empathy, understanding of shared mutuality, and strengthens civic relationships



2. Build restorative tools and partnerships

Establish and advance new models of engagement and practice that aim to reduce and eliminate harm and co-create solutions with those most impacted by the problems



3. Own institutional transformation

Drive organizational change efforts toward advancing racial equity in City policies, practices, and programs at a systems-level

MEET THE CERESI TEAM



Aaron Johnson
Project Manager
Community Engagement and Racial Equity



Ugochukwu Ukasoanya
Equity Officer



Edwin Ortiz Reyes
Equity Officer



Sherry Rontos
Coordinator of Special Projects
& Constituent Services



Esther Gutierrez
Program Director
Delegate Agencies



Whitey Houston
Project Coordinator



Zuri Soughat
Project Coordinator



Lynn Stewart
Program Auditor III

WHAT DRIVES OUR WORK?



Acknowledging history

- How has systemic racism and structural racism shaped historical and current events?



Shift power

- How do we shift power to groups that have been historically marginalized or harmed?



Embrace accountability

- How do we respond to storytelling, demographic data, and other opportunities to embrace accountability to outcomes?



Affordable Requirements Ordinance (ARO)

Ricardo Lopez, ARO Project Manager

Chicago Department of Housing



WHAT IS AFFORDABLE HOUSING?

- Housing that doesn't cost more than 30% of the household's monthly income.*
- A household qualifies as low income if they earn 80% or less of the Area Median Income (AMI) for their area.

Area median income (AMI): the middle range of income for people living in an area.

- Set by the US Department of Housing and Urban Development and adjusted every year.





Housing cost burdened* = a household that spends more than 30% of their monthly income on housing related expenses

Severely housing cost burdened* = a household that spends more than 50% of their total monthly income on housing related expenses

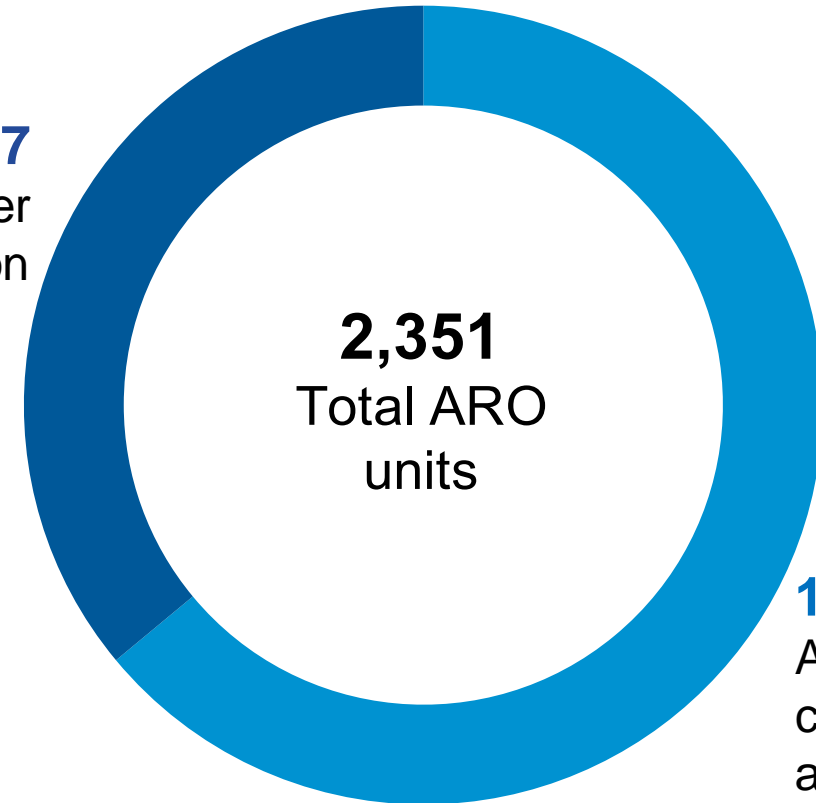
***official HUD definitions for cost burden limits and affordable housing**



Affordable Requirements Ordinance (ARO)

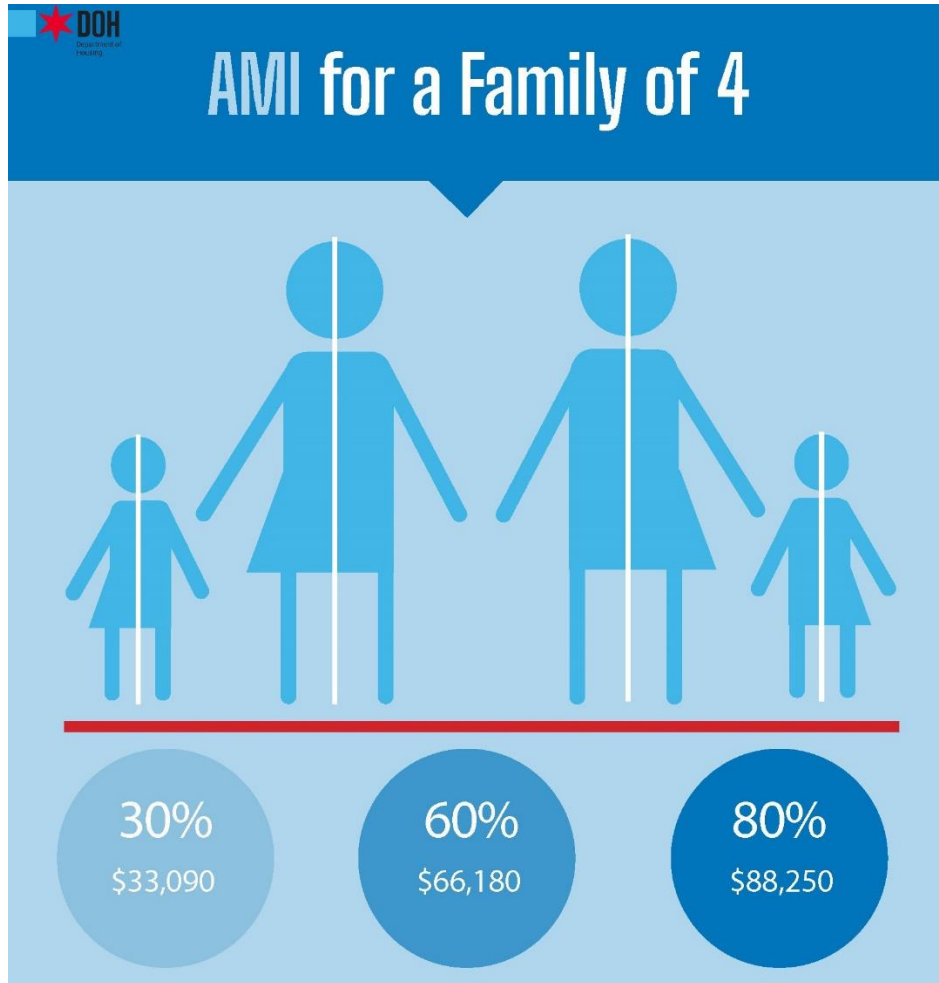
2023 Outcomes	2024 Goals
 Deeper levels of affordability	 Implement Affirmative Fair Housing Marketing and Tenant Screening Plan
 Preferential policy for family-sized households	 Leverage public subsidies for more affordability in high-market areas of the City

847
ARO units under construction

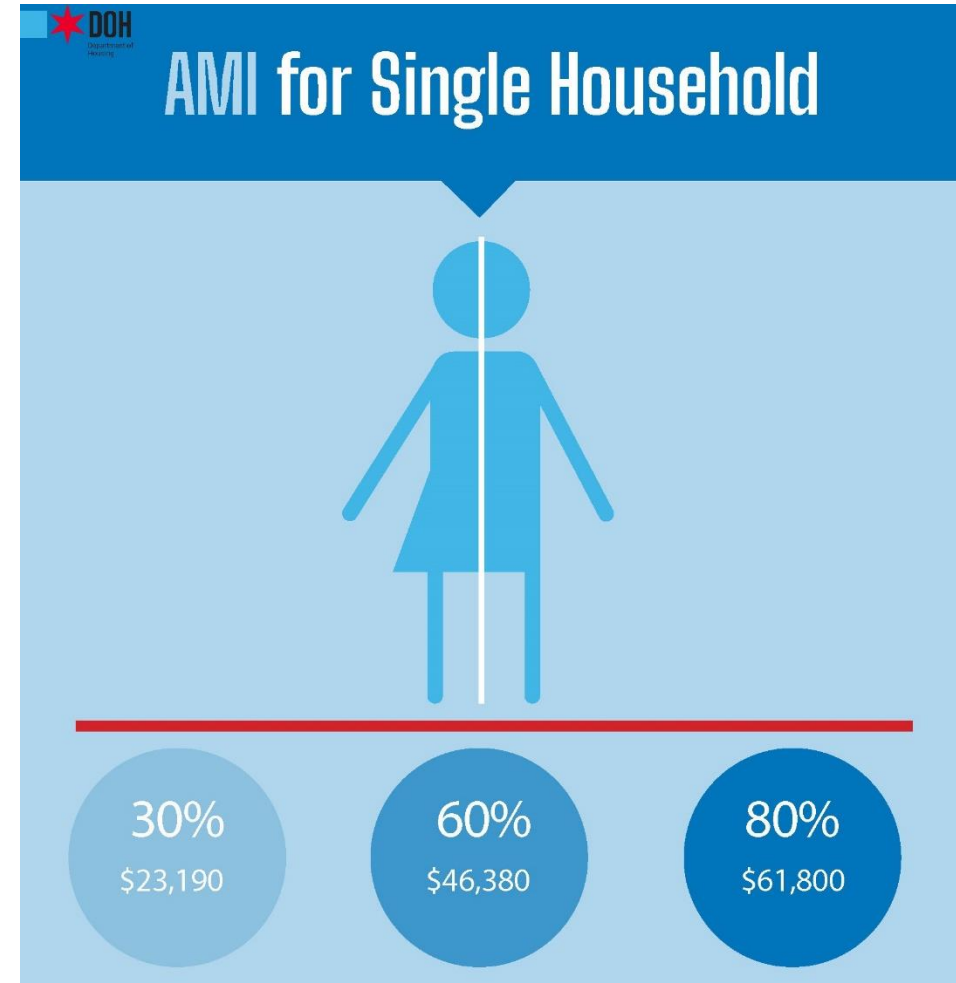


1,504
ARO units completed and leasing

★ ARO Income Limits



2023 gross income limits



2023 gross income limits

Locating ARO Units

www.chicago.gov/ARO

Affordable Requirements Ordinance (ARO)

The Affordable Requirements Ordinance (ARO) is the City's inclusionary housing program that requires residential developments with 10 or more units that receive City Council approval for an entitlement, a city land purchase or financial assistance to provide a portion of the units as affordable housing.

First adopted in 2007, the latest revision of the ARO was adopted by City Council in April 2021 and is in full effect as of Oct. 1, 2021. The 2021 ARO addresses issues of displacement in neighborhoods seeing rapid development and outlines Community Preservation areas in communities where there is evidence of displacement based on housing market and demographic changes.

Additionally, the revised ARO:

- Allows off-site units to be built in any part of the city lacking in affordable housing or threatened with displacement
- Requires that if the triggering development is in a transit-oriented development (TOD) zone the off-site units must also be in a TOD zone
- Adds mandates and incentives for developers to create deeply affordable and family-sized affordable units
- Increases accessibility standards and adopts preferential leasing for tenants who need an accessible unit
- Requires income averaging at 60% of area median income (AMI) to accommodate more low-income earners

The 2021 ARO is the result of an 18-month process that began in October 2019 with a public call for applications for an Inclusionary Housing Task Force, which published its report in September 2020. In addition to the task force, DOH solicited input from focus groups, public comment, a City Council subject matter hearing, and months of follow-up meetings with developers and advocates to inform the proposal as introduced.

Income Limits and Long-Term Affordability

All owner-occupied affordable units under the ARO are price restricted by the Chicago Housing Trust (Housing Trust). Owner-occupied units must be priced to be affordable to households earning no more than 100% of Area Median Income (AMI) (if Option 1 is chosen under Subsection (F)(3)) or no more than 80% AMI (if Option 2 is chosen). Note that the ARO allows households earning up to 120% of AMI to purchase the units. Rental units may be leased by households earning up to the targeted AMI for the unit. A unit counted as a 60% AMI unit, for example, may be leased by households earning up to 60% of the AMI.

Click here to review the 2023 maximum monthly rent and gross income limits tables. The charts are updated annually.

Units built under the ARO are required to remain affordable for a period of 30 years.

See a list of rental properties made available through the ordinance and other city programs. To receive updates on for-sale units as they become available, please contact aro@cityofchicago.org and ask to be added to the Housing Trust mailing list.

ARO Ordinance (Section 2-44-085)

ARO Rules

2023 ATS Manual

Inclusionary Housing Task Force Report

Home / Departments / Housing / For Renters / Services / Affordable Rental Housing Resource List

Affordable Rental Housing Resource List

The Department of Housing (DOH) works to develop and support affordable housing initiatives citywide. Affordable rental housing plays an important role in meeting the housing needs of low-income Chicagoans. From individuals and families to seniors and the homeless, the City helps to build, rehabilitate and preserve rental housing to ensure that it is available to residents throughout Chicago.

If you are looking for an affordable rental unit to call home, see the attached list of affordable rental housing opportunities that have been supported and developed through the City of Chicago. The list is intended to assist individuals looking for affordable rental housing throughout Chicago and will guide you in your search. DOH remains committed to making our neighborhoods strong, safe and affordable for all Chicagoans.

Affordable Rental Housing Developments

Location	Units	ARO	Development Name	Address
Near West Side	28	ARO	The Dylan	160 N. Morgan
Near West Side	28	Multifamily	St. Andrew's Court	50 N. Hoyne
Near West Side	28	Multifamily	Near West Side Apts.	216 S. Hoyne
Near West Side	28	ARO	One Corner Page	2329 W. Morgan
Near West Side	28	Multifamily	Westhaven Park Phase IIB	110 N. Wood
Near West Side	28	ARO	Union West	939 W. Wash
Near West Side	28		The Thompson	150 N. Ashlar
Near West Side	28	ARO	The Jax	1220 W. Jackson
Near West Side	28	ARO	Atrio	1922 W. Ogden
Near West Side	28	ARO	The Mason	180 N. Dear

Showing Affordable Rental Housing Developments 201 to 300 out of 577

www.chicago.gov/ARO

Click "See a list of rental properties..."

Inquire with Property Manager/Leasing Company

  **QUESTIONS AND ANSWERS**





Rights and Responsibilities for Tenants and Landlords

Lolita Davis, Tenant Hotline Project Manager
Metropolitan Tenant Organization



RESIDENTIAL LANDLORD TENANT ORDINANCE

- Outlines the legal rights and responsibilities of both landlords and tenants in Chicago
- Its purpose is “to protect and promote the public health, safety and welfare of its citizens” and “to encourage the landlord and the tenant to maintain and improve the quality of housing” citywide

The ordinance covers most rental properties located in Chicago except:

- units in owner-occupied buildings with six units or less
- units in hotels, motels and rooming houses
- dormitories, shelters, employee’s quarters, and non-residential rental properties
- owner-occupied co-ops

Rights and obligations covered by the ordinance include:

- Tenant’s general responsibilities
- Landlord’s right of access
- Security deposits and prepaid rent
- Landlord’s general duties
- Identification of owner and agent
- Notice of conditions affecting habitability
- Landlord and tenant remedies
- Evictions and lockouts
- Prohibition of retaliatory conduct by landlord



FAIR NOTICE ORDINANCE

- The Chicago Fair Notice Ordinance changes the notice period for at-will terminations/non-renewals for units within the city.
- The notice periods in the City of Chicago are
 - 60 days- For tenancies of 6 months to 3 years
 - 120 days- For tenancies over 3 years
- All residential tenants are covered under the Fair Notice Ordinance
- The Fair Notice Ordinance also covers the Chicago Right to Pay-and-Stay





CHICAGO FAIR HOUSING ORDINANCE

- The CFHO prohibits discrimination based on membership or association in any of the 14 protected groups under Chicago and Illinois law
- Even with one of the strongest fair housing ordinances in the country, discrimination and segregation continue to limit housing opportunities for many Chicago residents.

What Constitutes Discrimination?

- Refuse to rent housing
- Set different terms, conditions or privileges for rental of a dwelling
- Impose different or additional rental charges for the rental of a dwelling
- Use of different qualification criteria or applications
- Fail or delay performance of maintenance or repairs
- Limit privileges, services or facilities of a dwelling
- Assign a person to a particular building or neighborhood or section of a building or neighborhood

Protected Groups:

- Race
 - Sex
 - Color
 - Age
 - Religion
 - Disability
 - National origin
 - Ancestry
 - Parental/familial/marital status
 - Sexual orientation or gender identity
 - Military status
 - Source of income
- 



TEMPERATURE CONTROL ORDINANCES

Chicago Heat Ordinance:

- Requires that landlord supply heat to tenants in rental units that don't have individual control over heating
- In effect from September 15 to June 1
- In general, the ordinance requires that internal temperature during the "cold months" be kept at:
 - 68 °F from 8:30am-10:30pm
 - 66 °F from 10:30pm-8:30am

Chicago Cooling Ordinance:

- Buildings subject to the ordinance must install air conditioning equipment in common gathering areas
- These areas must be made available to all building residents as cooling centers when outside temperatures exceed 80° F
- This ordinance applies to existing residential buildings in the City of Chicago that:
 - Are over 80 feet in height or
 - Have more than 100 residential units or
 - Are "housing for older persons" as defined by the Federal Fair Housing Act

  **QUESTIONS AND ANSWERS**



Evictions and Lockouts

Connor Malloy, Rentervention Director

The Law Center for Better Housing



EVICTION PROCESS

EVICTION PROCESS IN ILLINOIS







WHAT'S AN EVICTION NOTICE

- A legal process through which the landlord can remove a tenant from a rental property
- A tenant may be removed for missing payments, illegal activity, violation of lease terms, or at-will by the landlord.
- Tenants may also be evicted if the landlord defaulted on their mortgage and the property is foreclosed
- Evictions can only be granted by a court/judge and can only be enforced by the County Sheriff





EVICITION NOTICES – HOW DO THEY WORK?

- The notice is just the first step in the eviction process and **DOES NOT** mean you must leave immediately
- A signed notice indicating the violation and a move-out date
- Should be delivered in person to the tenant or a resident of the unit who is 13 years or older.
- Can also be sent the by certified mail requiring a signed delivery receipt from the tenant

A notice ≠ an eviction
DO NOT self-evict





TYPES OF EVICTION NOTICES

- 5 Day- Non-payment of Rent or Serious Illegal Activity
 - Non-payment offers tenant the opportunity to remediate and avoid eviction
 - Illegal activity cannot be remediated
- 10-day: Violation of Lease Terms
 - Tenant can correct lease violation and avoid eviction
- 7/30/60/120-day: At-Will lease termination
 - Subject to Chicago Fair Notice Ordinance requirements based on length of tenancy
- 90-day: Property Foreclosure
 - 90 days notice is minimum notice for foreclosure, length of tenancy does not matter





CHICAGO RIGHT TO PAY – AND - STAY

- The tenant has the right to remain in their unit and end the eviction case if they:
 - Pay all back rent owed
 - Pay any court filing fees the landlord has paid in the eviction case
 - Do not live in the same building as the landlord if the building has six units or fewer
- The tenant can make these payments until a judge issues a formal eviction order against them
- Part of the City of Chicago Fair Notice Ordinance





ADDITIONAL PROTECTIONS IN CHICAGO

- If an eviction notice has been served on a tenant for non-payment, partial payment of rent accepted by the landlord waives their right to continue the eviction process, unless otherwise stated on the eviction notice
- Tenant has the right to fix a lease violation upon receiving a ten-day notice to quit due to a lease violation.
 - If the tenant fixes the violation within the ten-day time frame, the landlord cannot proceed with the eviction





LOCKOUTS AND UTILITY SHUTOFFS

In Illinois, landlords cannot use force to prevent access or tamper with the habitability of the rental unit. This includes:

- Changing locks
- Removing tenant's belongings from the unit
- Blocking or removing entrances or windows
- Removing or disabling appliances (unless needed for repair)
- Threatening or injuring the tenant or their family or damaging their belongings
- Shutting off utilities such as heat, water, and electricity



WHAT TO DO IF ILLEGALLY LOCKED OUT?

1. Contact the police or Sheriff and file a report
2. Contact an attorney to assist with your case
3. Send a copy of the police report with a letter to desist to your landlord
4. File in court for a temporary restraining order or for the landlord to return possession until the issue is resolved



  **QUESTIONS AND ANSWERS**





Assistance Programs and Community Resources

Daniel Cassel, ERAP Program Director
Chicago Department of Housing



RIGHT TO COUNSEL Pilot Program

Chicago residents facing eviction can access free legal services citywide through our Right to Counsel partners, Beyond Legal Aid and the Law Center for Better Housing.

To be eligible, tenants must meet all four of the following criteria:

1. Income at or below 80% of the area median income (AMI) based on household size.
2. Be a tenant currently residing in a property intended for residential use.
3. Be part of a household in which one or more individuals have experienced a reduction of household income, incurred significant costs, or experienced other financial hardship during or due to the coronavirus pandemic.
4. Currently in Eviction Court.





COOK COUNTY LEGAL AID FOR HOUSING AND DEBT



Helping you resolve eviction, foreclosure, debt, and tax deed issues.

FREE LEGAL HELP FOR RESIDENTS OF COOK COUNTY

Are you dealing with an eviction or unresolved debt issue?

Do you live in Cook County?

You are not in this alone. You may be eligible for FREE legal help.

Learn more by calling 855-956-5763 or visiting www.cookcountylegalaid.org

Evictions and unresolved debt issues can have a long-lasting, negative impact on your future. Call the **Early Resolution Program (ERP)** to speak with a lawyer and get connected to other resources. This program is available to all residents of Cook County free of charge. You do not need to have a case in court to get help.

You can use the program if:

- ▶ You are a renter and your landlord is trying to evict you;
- ▶ You are a landlord who is not represented by a lawyer;
- ▶ You were sued by someone who wants to collect an unpaid debt (for example a credit card company trying to collect unpaid charges); OR
- ▶ You need to sue someone who owes you money and do not have a lawyer.

The Early Resolution Program (ERP) includes free legal aid, mediation services, and connections to other resources including rental assistance. Mediation is a chance for a landlord and tenant, or debtor and creditor, to resolve issues with the help of a knowledgeable and neutral person.

The Early Resolution Program is being provided through Cook County Legal Aid for Housing and Debt (CCLAHD), a county-wide initiative to help resolve eviction, foreclosure, debt, and tax deed issues. Visit www.cookcountylegalaid.org for information about other programs and services.



CARPLS Legal Aid
Center for Conflict Resolution
Center for Disability & Elder Law
Chicago Volunteer Legal Services



Greater Chicago Legal Clinic
Lawyers' Committee for Better Housing
Legal Aid Chicago
Legal Aid Society



The Chicago Bar Foundation
Ensuring access to justice for all

CCLAHD and the Cook County Early Resolution Program (ERP)

- Free legal help for **eviction**, foreclosure, debt, and tax deed issues for residents of Cook County
- Access to Right to Counsel Pilot Program
- Connection to other resources, including court-based rental assistance
- **Call 855-956-5763**
- www.cookcountylegalaid.org



LEGAL RESOURCES AND SERVICES

Tenant Support

- **Metropolitan Tenants Organization**
 - eviction assistance and tenant's rights advocacy
 - 773-292-4988/ [Tenants-rights.org](https://www.tenantsrights.org)
- **Law Center for Better Housing**
 - legal housing support for evictions, lockouts, mediation
 - 312-347-7600/ www.lcbh.org/get-legal-help
- **Center for Conflict Resolution**
 - Provides free mediation services
 - 312-922-6464 x22/ cm@ccrchicago.org
- **Beyond Legal Aid**
 - Provides right to counsel assistance
 - 312-999-0056 x22/ [beyondlegalaid.org](https://www.beyondlegalaid.org)

Landlord Support

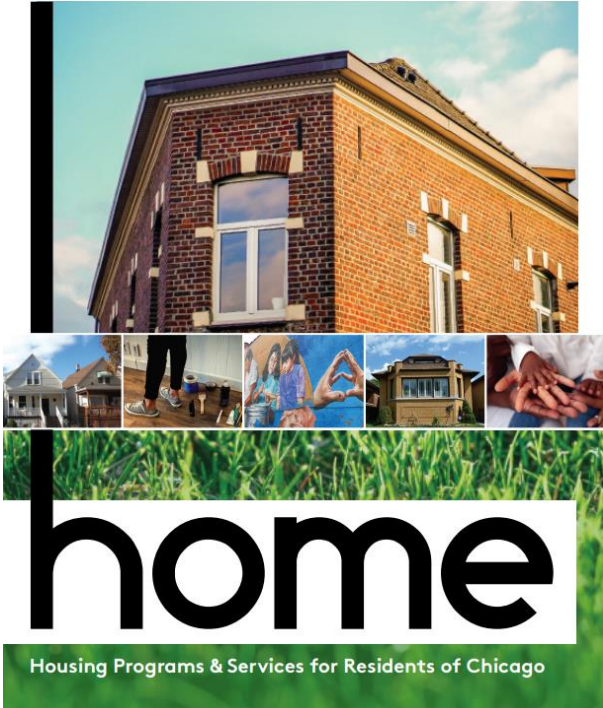
- **Spanish Coalition for Housing**
 - Landlord support and resources
 - 773-342-7575/ help@sc4housing.org
- **Community Investment Corporation**
 - Landlord support and resources
 - 312-258-0070/ info@icicchicago.org
- **Chicago Volunteer Legal Services**
 - Landlord disputes and tenant eviction
 - 312-332-1624





DEPARTMENT OF HOUSING RESOURCES


 English



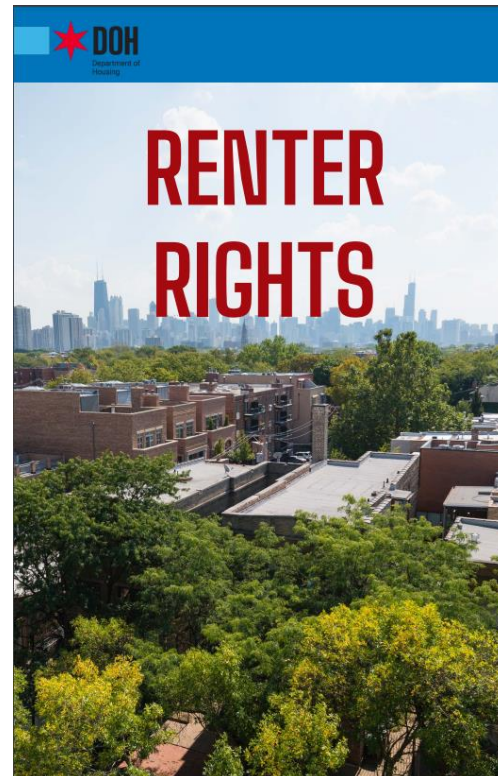
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Housing Programs & Services for Residents of Chicago





RENTER RIGHTS





RENTAL SUBSIDY PROGRAMS

- Rental subsidy programs provide much needed housing stability to Chicago families and have many benefits for Chicago landlords.
- These benefits include:
 - financial incentives,
 - decreased costs for advertising
 - case management provided to support their tenant's long-term success
 - potential access to the Landlord Mitigation Fund

Program	Contact Information
Flexible Housing Pool (FHP)	312-242-2314 info@housingforhealth.org Housingforhealth.org
Chicago Low Income Housing Trust Fund (CLIHTF)	312-741-1912 info@clihtf.org Clihtf.org
Chicago Rents through All Chicago	chicagorents@allchicago.org Allchicago.org



RENTAL ASSISTANCE

Rental Assistance Program (DFSS):

- The Rental Assistance Program (RAP) provides funding to Chicagoans who are at risk of becoming homeless.
- RAP helps Chicagoans who have housing right now, but who may become homeless soon because they lost income or had another eligible emergency which prevents them from paying rent.
- **ASSISTANCE MAY INCLUDE:**
 - Payment of future rent, or rent arrears to prevent eviction
 - Security deposits in cases of fire, flood, domestic violence, uninhabitable unit (notice from Department of Buildings), or court ordered to vacate unit
- **YOU ARE ELIGIBLE IF:**
 - You currently lease a unit in the City of Chicago
 - You are at risk of becoming homeless due to non-payment of rent due to temporary loss of income or other qualifying emergency
 - You economically classify as a low-income household
 - Your landlord completes the RAP requirements
 - You have the ability to maintain rent after assistance has been granted based on current or anticipated income

More information at

https://www.chicago.gov/city/en/depts/fss/provdrs/serv/svcs/homeless_prevention.html



RENTAL ASSISTANCE

Court Based Emergency Rental Assistance Program (Illinois Housing Development Authority)

- The Court based Emergency Rental assistance Program is designed to assist vulnerable Chicagoans currently in eviction court due to non-payment of rent, obtain assistance to maintain their housing.
- Assistance may include up to 15 months of assistance for arrears and 3 months of future rent on a case-by-case basis.
- Requirements for the program are:
 - Must be a Chicago Resident
 - Must be currently in eviction proceedings (copy of eviction summons or complaint)
 - Income below 80% AMI

*If you are interested in applying for Court based Emergency Rental Assistance apply at:

www.Illinoishousinghelp.org





MENTAL HEALTH RESOURCES

WHAT IS TELEPSYCHIATRY

Telepsychiatry is a secure, private **video conferencing system** that allows a licensed psychiatrist to see patients remotely. Similar to how Facetime or Skype work, **clients will be able to interact with their psychiatrist via a desktop computer.**

CDPH will provide telepsychiatry services from our community mental health centers, so you can see your psychiatrist from the same location you already see your therapist.

WHY IS CDPH ADDING TELEPSYCHIATRY?
By bringing telepsychiatry to our community mental health centers, we can improve our current services and reach more residents.
Telepsychiatry is endorsed by the American Psychiatric Association and in operation in thousands of clinics and medical settings around the country allowing more patients to have direct access to their clinicians.

WILL I GET A NEW THERAPIST?
Your therapist will remain the same.
Most patients will be assigned a new telepsychiatrist. Your therapist will walk through your individual transition plan and work with you to understand the benefits of this new technology.

WHAT IF I WANT TO SEE AN IN-PERSON PSYCHIATRIST?
Most patients will be transferred to telepsychiatry services over the next several months. However, some exceptions will be made for patients that require an in-person psychiatrist. If you have concerns about telepsychiatry, please bring those up with your therapist.

WHEN WILL TELEPSYCHIATRY START?
We are scheduled to begin this new service over the next few months.
Your therapist will work with you to determine the best transition plan for you.

NO!
WILL THERE BE AN ADDITIONAL COST FOR THIS NEW SERVICE?

HEALTHY CHICAGO

- Mental health resource: 211 to get connected to a wide variety resources and 988 is the mental health hotline
- Service is available **Monday-Friday 8:30am-4:30pm** at five CDPH Community Mental Health Centers and at Roseland MHC:
 - Englewood MHC:
312-747-7496
 - Greater Grand/MID-South MHC
 - 312-747-7496
 - Greater Lawn MHC
 - 312-747-1020
 - Lawndale MHC
 - 312-746-5905
 - North River MHC
 - 312-744-1906





QUESTIONS AND ANSWERS



Post Training Survey

Housing 101: Rental Rights and
Protections

