

**AN ORDINANCE AMENDING SECTION 18-426, ENTITLED
"CRIME FREE HOUSING" OF DIVISION 3, ARTICLE XI, CHAPTER 18,
OF THE CITY CODE OF THE CITY OF ROLLING MEADOWS**

WHEREAS, the City of Rolling Meadows, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs;

WHEREAS, as a home rule unit of government, the City is expressly empowered to perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare;

WHEREAS, pursuant to Ordinance 13-60, the City previously implemented crime free housing regulations as set forth in Section 18-426, of Division 3, Article XI, Chapter 18 of the Rolling Meadows City Code ("Crime Free Housing Regulations") in order to protect, preserve and promote public health, safety, morals and welfare and to maintain the value of residential real estate in the City;

WHEREAS, the Corporate Authorities of the City strictly prohibit discrimination by owners and property managers in the leasing of their properties in the City on the basis of race, sex, religion, creed, ancestry, sexual orientation, national origin, age, matriculation, familial status, handicap status of persons or any other constitutionally protected class;

WHEREAS, the Corporate Authorities of the City affirmatively state that the provisions of the Crime Free Housing Regulations shall not be used as a tool to discriminate against property owners, tenants or prospective tenants pursuant to applicable federal, state and local laws and regulations, including, but not limited to, fair and open housing laws, which shall prevail in the City; and

WHEREAS, the provisions of the Crime Free Housing Regulations shall further not be used to discriminate against or penalize victims of domestic or sexual violence, dating violence or stalking or deter these victims from contacting City emergency responders; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows determine that it is advisable and in the best interest of the City to amend the Crime Free Housing Regulations to specifically set forth the protections afforded to of victims of domestic violence and the prohibitions against discrimination in the implementation of the Crime Free Housing Regulations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

Section 1: The above recitals and findings are found to be true and correct and hereby adopted as part of this Ordinance, as if fully set forth in their entirety.

Section 2: Section 18-426, entitled “Crime Free Housing”, of Division 3, entitled “Rental Dwelling Owner / Landlord / Manager Responsibilities”, of Article XI, entitled “Rental Dwellings” of Chapter 18 “Building and Building Regulations” is hereby amended by replacing paragraph (e) with the following:

- (e) Any owner or agent of residential rental property shall utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed. A copy of the crime free lease addendum shall be provided to the crime free multi-housing coordinator prior to expiration of the rental permit for renewals and within 60 days of initial application for new applications at the seminar. The crime free multi-housing coordinator shall provide, at no cost, samples of the crime free lease addendum and shall review any clauses within actual leases with the city's legal department to determine if the clause is similar to the crime free lease addendum. The clause is to make criminal activity detailed under the definition of nuisance activities set forth in section 38-51, chapter 38, division 1.1 of the City Code (not limited to violent criminal activity or drug related criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter) a lease violation. The landlord shall have authority under that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. Proof of a criminal activity in the forcible entry and detainer proceedings shall be by a preponderance of the evidence. Victims of domestic violence, sexual violence, dating violence or stalking shall not be named defendants or evicted due to violations of the crime free lease addendum.

Section 3: Section 18-426, entitled “Crime Free Housing”, of Division 3, entitled “Rental Dwelling Owner / Landlord / Manager Responsibilities”, of Article XI, entitled “Rental Dwellings” of Chapter 18 “Building and Building Regulations” is hereby amended by adding thereto a new paragraph (h) to read as follows:

- (h) This Section shall not be utilized to deny and no person shall be denied the right to lease or rent a residential rental premises because of race, sex, religion, creed, ancestry, sexual orientation, national origin, age, matriculation, familial status, handicap status of persons or any other constitutionally protected class and as additionally set forth in the Illinois Human Rights Act, 775 ILCS 5/1 et seq.

Section 4: Section 18-426, entitled “Crime Free Housing”, of Division 3, entitled “Rental Dwelling Owner / Landlord / Manager Responsibilities”, of Article XI, entitled “Rental Dwellings” of Chapter 18 “Building and Building Regulations” is hereby amended adding thereto a new paragraph (i) to read as follows:

- (i) Tenants, guests and occupants of residential property shall not be penalized under this chapter based on:
- (1) Contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence, or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;
 - (2) An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or
 - (3) Nuisance activities occurring in the dwelling unit or on the premises that is directly relating to domestic violence, dating violence, sexual violence, engaged in by a member of a tenant's or lessees' household or any guest or other person under the tenant's, lessees' or household member's control, and against the tenant, lessee, or household member.

Section 5: Section 18-425, entitled "Duration of Article XI, Rental Dwellings", of Division 3, entitled "Rental Dwelling Owner / Landlord / Manager Responsibilities", of Article XI, entitled "Rental Dwellings" of Chapter 18 "Building and Building Regulations" is hereby amended to read as follows:

Sec. 18-425. – Bi-Annual Review of Article XI, rental dwellings.

Article XI shall be reviewed by the City Manager and presented to the City Council for review on or before December 31, 2024, and thereafter on or before December 31 of each subsequent even numbered year.

Section 6: Any ordinance or portion of any ordinance in conflict with the provisions of this Ordinance is repealed solely to the extent of such conflict.

Section 7: Severability – Should any provision or portion of this Ordinance be declared void or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance not so declared shall remain in full force and effect.

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Section 8: This ordinance shall be in full force and effect upon its passage, approval and publication in accordance with law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 26th day of July, 2022.

AYES: O'Brien, Vinezeano, Reyez, Sanoica, McHale, Budmats

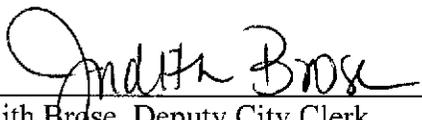
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ABSENT: Bisesi



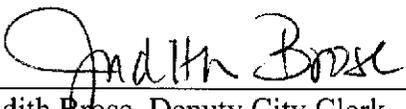
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 4th day of August, 2022.



Judith Brose, Deputy City Clerk