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Matter ID: O2023-0004286

Meeting Date: 9/13/2023

Sponsor(s): Johnson (Mayor) *

Type: Ordinance

Title: Amendment of Municipal Code Section 2-44-150 regarding eligibility qualifications for a Right to Eviction Counsel, establishing Right to Counsel Pilot program and promulgation of rules.

Committee Assignment: Committee on Housing and Real Estate

H56



OFFICE OF THE MAYOR
CITY OF CHICAGO

BRANDON JOHNSON
MAYOR

September 14, 2023

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Housing, I transmit herewith an ordinance amending the Municipal Code to add a section regarding right to eviction counsel.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in blue ink, appearing to be "BJ", followed by a horizontal line.

Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 2-44 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-44-150, as follows:

2-44-150 Right to Eviction Counsel.

(a) *Title.* This section shall be known as the Right to Eviction Counsel Ordinance. The program established by this ordinance shall be known as the Right to Eviction Counsel Program.

(b) *Definitions.* The following definitions shall be used for purposes of this section:

“Area Median Income” has the meaning ascribed to that term in Section 2-44-080(B).

“Brief legal assistance” means individualized legal assistance provided in a single consultation by a designated organization to a qualifying individual in connection with a qualifying proceeding.

“Designated organization” means a not-for-profit or other organization that has a contract with the City for the provision of legal services.

“Full legal representation” means ongoing legal representation provided by a designated organization to a qualifying individual and all legal advice, advocacy, and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance on behalf of the qualifying individual in a qualifying proceeding. Full legal representation may further include appealing a decision on a qualifying proceeding if a designated organization finds that the appeal is appropriate using the criteria listed in subsection (c) to determine the provision of full legal representation.

“Legal services” means brief legal assistance or full legal representation.

“Qualifying individual” means a tenant of a rental dwelling unit located in the City who has received an eviction notice and has an income of 80 percent Area Median Income or below.

“Qualifying proceeding” means any action brought pursuant to the Illinois Eviction Act, 735 ILCS 5/9101, et seq., to evict a qualifying individual, including a summary proceeding to seek possession for non-payment of rent or a holdover, or an administrative proceeding brought by the Chicago Housing Authority for termination of tenancy. A qualifying proceeding does not include any independent action or affirmative claims that are not germane to the eviction proceeding; provided, however, a qualifying proceeding includes any defense or counterclaim germane to the eviction proceeding that a tenant may raise and litigate.

“Residential Dwelling Unit” means a structure or the part of a structure that is used as a home, residence or sleeping place by one or more individuals who maintain a household, together with the common areas, land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

“Right to Counsel Pilot Program” means the initiative of the Department to provide free legal services for qualifying individuals, funded by the Emergency Rental Assistance Program and established in July of 2022.

“Tenant” has the meaning ascribed to that term in Section 5-12-030(j).

(c) *Right to Eviction Counsel Program.* Subject to appropriation, the Commissioner shall expand on the Right to Counsel Pilot Program to provide access to legal services such that, by July 1, 2027, all qualifying individuals receive access to brief legal assistance no later than their first scheduled appearance in a qualifying proceeding, or as soon thereafter as is practicable. A designated organization shall further provide full legal representation when, during the provision of brief legal assistance, the designated organization finds that:

- (i) the qualifying individual likely has a meritorious legal defense to the eviction; or
- (ii) the qualifying individual has been improperly locked out of their home; or
- (iii) the landlord in the qualifying proceeding has not adhered to the procedural requirements of an eviction action under the Illinois Eviction Act, 735 ILCS 5/9101, et seq.; or
- (iv) full legal representation would otherwise materially benefit the qualifying individual.

(d) *Contracting Authority.* The Commissioner is authorized to enter into and execute a contract with not-for-profit or other organizations for the provision of legal services in accordance with this Section.

(e) *Rules.* The Commissioner may promulgate such rules as may be necessary to carry out the purposes of this Section.

SECTION 2. This ordinance shall take effect upon its passage and approval.