

Effective date: December 11, 2007

11/06/2007 10/10/07 5/8/2007

10/31/2007 9/25/07 4/27/2007

5/17/2007 4/24/2007

**44-O-07**

**AN ORDINANCE**

**Amending Various Sections of Chapter 3 of Title 5 of the Evanston City Code Pertaining to Residential Landlord/Tenant Regulations**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
EVANSTON, COOK COUNTY, ILLINOIS:

**SECTION 1:** That Section 5-3-2 (A) of the Evanston City Code, 1979, as amended, is hereby further amended by adding a definition of "Material Non-Compliance."

**MATERIAL NON-COMPLIANCE:** A failure to comply with laws or regulations, including the City of Evanston Residential Landlord-Tenant Ordinance, and the BOCA Property Maintenance Code adopted under Section 5-1-1 of this Title, or the requirements or determinations of a reviewing inspector from the Community Development Department and/or Health Department and/or Fire Department when that failure increases risk to landlord or tenant(s), or adversely affects the rights and welfare of the landlord or tenant(s). A failure to comply may result in termination of the lease. This may include only a single instance of non-compliance if it is substantial or repeated minor violations.

**SECTION 2:** That Section 5-3-4-2 (A) of the Evanston City Code, 1979, as amended, is hereby further amended as follows:

**5-3-4-2: RULES AND REGULATIONS:**

(A) The landlord, from time to time, may adopt general rules or regulations concerning the tenant's use and occupancy of the premises. They are enforceable only if in writing and:

**SECTION 3:** That Section 5-3-10 of the Evanston City Code, 1979, as amended, is hereby further amended by adding the requirement that all leases have a current copy of the ordinance attached thereto and that all leases have an acknowledgment of receipt clause signed by the lessee.

(A) A current copy of this Ordinance shall be attached to each written rental agreement whether it be a City of Evanston Model Apartment Lease Agreement or a landlord drafted written lease agreement, when any such agreement is initially offered to any tenant or prospective tenant by or on behalf of a landlord and whether such agreement is for a new rental or a renewal thereof. The lessee shall acknowledge receipt of the Ordinance on the executed lease.

(B) If a tenant in a civil legal proceeding against his landlord establishes that a violation of Section 5-3-10(A) has occurred, he shall be entitled to recover two hundred dollars (\$200.00) in damages and reasonable attorney's fees.

(C) The Model Apartment Lease Agreement ("Agreement"), as amended from time to time, shall be on file with the City Clerk. Each amended Agreement form shall be effective for a minimum of one (1) year. Leases entered into during the effective period of a particular Agreement form shall remain valid notwithstanding amendments made in the Agreement form during the lease term.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** That this Ordinance shall be in full force and effect from and after January 15, 2008.

Introduced: November 12, 2007

Adopted: November 26, 2007

Approved:

November 27, 2007

Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris  
Mary P. Morris, City Clerk

Approved as to form:

Herbert D. Hill  
Herbert D. Hill  
First Assistant Corporation Counsel