



Chicago Residential Landlord Tenant Ordinance: **History**

Your landlord fails to make repairs. Your apartment is infested with mice and bedbugs. You move out of your apartment but don't receive a security deposit. What can you do about these, and other, problems that renters face? *In Chicago, there's a lot you can do.*

The first document tenants should review when learning about their rights is the Chicago Residential Landlord Tenant Ordinance (RLTO); a summary is, or should be provided with every lease.

It is impossible to tell the story of tenant rights in Chicago without telling the story of the Ordinance. The passage of the RLTO is a landmark moment in the history of tenant rights in Chicago.

The RLTO is now 25 years old and counting: it was enacted by the Chicago City Council on September 8, 1986. The story of the Ordinance reveals the power of community organizing and a moment in the city's political life when the rights of tenants were championed in City Hall. The Ordinance became law in a city often regarded as a haven for the real estate industry.

Community Action

One key element of the history behind the Ordinance is the impact of organizing in the Rogers Park community on Chicago's north side. In that community, with its heavy concentration of rental properties, tenant issues were prominent in the 1970s. In 1979, David Orr was elected alderman of the 49th Ward, which serves the community, and frequently spoke out about tenant issues. In ensuing years, the Rogers Park Tenants Committee (and other smaller groups in Rogers Park) grew and organized on key tenant issues, including escalating rents, repairs and lead abatement. During this period, groups in many communities around the city—some funded by local foundations—

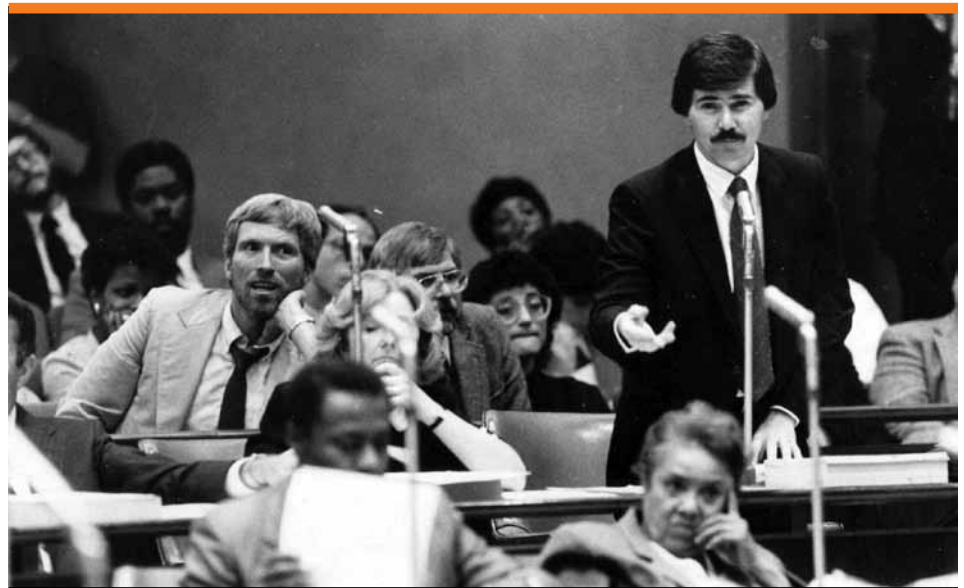


PHOTO: Chicago Tribune, Sep. 9, 1986.

"When the Ordinance passed, we saw how it could make a difference. For the first time, there was legal assistance through law. The Ordinance said that if your apartment was in serious disrepair, there was a legal remedy other than housing court. That was the heart of it. It wasn't radical."

—Cook County Clerk David Orr, former alderman of the 49th ward and advocate for tenant rights, shown here (above, right) introducing the Chicago Residential Landlord Tenant Ordinance, on the day it passed, at a Chicago city council meeting.

also worked on tenant issues, including Logan Square, Uptown, Englewood and Austin.

Orr, now Cook County Clerk, recalls those days. "The only way to defeat the clout of the Machine was building community clout," he says. "Community organizing was crucial in the movement to pass the Ordinance."

Getting the Votes

While community groups targeted aldermen

to support the Ordinance, they also put considerable pressure on the city's Housing Court, an institution that was characterized by years of mismanagement. A new organization, the Lawyers' Committee for Better Housing, emerged to help fight the battle in Housing Court. Meanwhile, in 1985, an activist group called the Housing Agenda addressed tenant issues through a committee. That committee spun off and became the Metropolitan Tenants Organization (MTO).

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—John Bartlett, Executive Director, Metropolitan Tenants Organization

Early on, supporters of tenant rights also proposed a Fair Rent Commission, which would create a place to appeal rent increases that were unfair. While important, this issue did not gain sufficient support at the time, though it remains a concern among many activists and tenants today.

In the early 1980s—the time of “Council Wars” in Chicago’s City Hall—efforts to address tenant rights in the City Council languished. Nevertheless, in 1986 a confluence of factors quickly changed the prospects for a tenant rights ordinance. By then, an Ordinance had been drafted; a prior ordinance that passed in Evanston served as a model. Activists targeted aldermen whose support could make a difference. Nonprofit developers were also using various tools, including the city’s Tax Reactivation Program, to further the cause of affordable housing. Meanwhile, Mayor Harold Washington was a friendlier ally in City Hall than previous mayors. Washington, however, did not have control of the Council.

That changed early in 1986. A primary election was held; because of remaps, numerous wards had special elections. The result of one of the races: Luis Gutierrez became alderman—and the mayor had a majority. By May, Washington had control of the Council. He identified the tenant bill of rights—which became the Ordinance—as a priority.

By September of 1986, it became apparent that the Ordinance was about to pass—in a big way. It wasn’t comprehensive (the Ordinance exempted owners in owner-occupied buildings, for example) but it went much further than any measure had before. As it became clear that there were enough votes for the Ordinance, numerous aldermen who had originally opposed the measure decided to support it. The Ordinance won by a tally of 43 to 7. With the Ordinance, tenants finally had legal backing to support

Key moments in development of Chicago Residential Landlord Tenant Ordinance (RLTO), 1979-1986

1979: David Orr is elected alderman in Rogers Park, a community that consistently addressed tenant rights issues that led to enactment of the Ordinance.

Numerous other communities also organize on tenant rights issues, including Austin, Englewood, Uptown and Logan Square.

Organizers, tenants and attorneys working with the new Lawyers’ Committee for Better Housing put pressure on the city’s housing court to improve how it addresses tenant issues.

1983: Harold Washington is elected mayor. In 1986, a special election results in a majority for Washington in the City Council, who expresses strong support for tenant rights.

Key tenant rights issues include the ability of tenants to pay for repairs in their apartment and deduct the total from the rent if the landlord has not completed repairs.

Various Chicago foundations fund organizing on tenant rights.

1985: The Metropolitan Tenants Organization is founded.

September 8, 1986: The Chicago Residential Landlord Tenant Ordinance is passed in Chicago’s City Council.

their issues. For example, if your apartment was in serious disrepair, there was a legal remedy.

In the months that followed, there were a couple of challenges to the Ordinance. First, real estate interests tried to challenge its lawfulness in federal district court—but lost. Later, there was another effort to turn things around in Springfield. That failed as well. Over the years, sustained opposition to the Ordinance has never materialized.

Legacy

Many who were involved in the movement to pass the Ordinance in the 1980s explain its staying power. “For the most part, landlords learned to live with it,” says former (and founding) MTO Executive Director Tim Carpenter. “Fundamentally, it doesn’t really grant tenants blanket rights. What it does is set ground rules.” “It also had tools for tenants,” says Judy Hertz, former executive director of the Rogers Park Tenants Committee.

“Housing is so important to people’s lives that the housing market does need regulation—including the Ordinance,” adds MTO Executive Director John Bartlett. “The Ordinance remains relevant because it defines the basic rights of tenants—including the tools to hold landlords accountable.” At the Metropolitan Tenants Organization, the Ordinance has remained a key tool for tenants over the years through the organization’s tenants hotline that has fielded and answered thousands of calls from tenants over the years. Other key issues for MTO that, like the Ordinance, are tied to tenant rights, include the rights of tenants in foreclosed buildings, tenant inspections and health issues including lead paint and bedbugs.

As he reflects on the Ordinance, Bartlett, like many others, also points out another legacy of the Ordinance. “It’s been twenty-five years,” he says. “The story of the Ordinance shows us that community organizing works.”



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