
THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2020-O-029

**AN ORDINANCE AMENDING TITLE XI OF THE TINLEY PARK
MUNICIPAL CODE AND ADDING SECTION §129F.081 ENTITLED
“PROSPECTIVE TENANT BACKGROUND INVESTIGATIONS”**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
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WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, on April 25, 2019, the Cook County Board of Commissioners adopted Ordinance 19-2394, entitled “The Just Housing Amendment to Chapter 42 Human Relations, Section 42-38 of the Cook County Code,” which amendment became effective on December 31, 2019, and prohibits housing discrimination based on an individual’s “covered criminal history” and requires housing providers to perform an individualized assessment of an otherwise qualified individual’s criminal conviction history prior to denying housing to the individual; and

WHEREAS, Article VII, Section 6(c) of the Illinois Constitution provides that if “a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction”; and

WHEREAS, the Village finds that Cook County Ordinance 19-2394 places an undue burden on lessors (landlords) of residential rental housing within the Village in verifying the qualifications of potential lessees (tenants) and occupants of residential rental housing within the Village; and

WHEREAS, pursuant to its authority under Article VII, Section 6(c) of the Illinois Constitution, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village, Village residents, Village residential lessors, and the public’s health, safety and welfare to amend the Village Code of the Village of Tinley Park to clearly define the requirements imposed on lessors of residential housing located in the Village as being those set forth in state and federal law in determining the qualifications of prospective tenants; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to adopt said “Prospective Tenant Background Investigations”; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as finding of fact as if said recitals were fully set forth herein.

SECTION 2: That Title XI, Chapter 129F of the Tinley Park Municipal Code is hereby amended by adding the underlined language, as follows:

**Chapter 129F:
RESIDENTIAL RENTAL LICENSE**

129F.01: RESIDENTIAL RENTAL LICENSE

129F.02: LICENSE REQUIRED

129F.03: APPLICATION FOR LICENSE

129F.04: LICENSE FEE

129F.05: TERM OF LICENSE; TRANSFER PROHIBITED; RENEWAL

129F.06: INSPECTION REQUIRED

129F.07: CRIME-FREE HOUSING SEMINAR REQUIRED

129F.08: CRIME-FREE LEASE ADDENDUM

129F.081: PROSPECTIVE TENANT BACKGROUND INVESTIGATIONS

129F.09: PERIODIC INSPECTION

129F.10: INSPECTIONS REQUIRED

129F.11: VIOLATION OF “CRIME-FREE LEASE ADDENDUM” PROHIBITED

129F.12: NOTICE OF OWNERSHIP CHANGE

129F.13: NUISANCES; VIOLATIONS

129F.14: DENIAL, SUSPENSION OR REVOCATION OF LICENSE; HEARING; APPEAL

SECTION 3: That Chapter 129F Title XI is hereby amended by adding a new section 129F.081 entitled “PROSPECTIVE TENANT BACKGROUND INVESTIGATIONS” with the following underlined language:

§ 129F.081 PROSPECTIVE TENANT BACKGROUND INVESTIGATIONS.

(A) An owner, or owners property agent of any Rental Residential Property, may conduct or have conducted by a reputable agency, which does not include the Village police department, a criminal history/background investigation of a prospective tenant, lessee, sublessee or occupant of age eighteen (18) or over, and the results of such criminal history/background investigation may be used, along with other appropriate and lawful factors, as a basis for making a decision by the owner or owner’s property agent to engage in or renew a lease, sublease or occupancy agreement.

(B) An owner, or owner's property agent, of any Residential Property within the Village shall comply with all applicable Federal and State laws and regulations as such laws and regulations may exist from time to time with regard to the prohibition of discrimination in the leasing, or offering to lease, Rental Residential Property.

(C) No additional obligations with regard to the making of any distinction, discrimination or restriction in the price, terms, conditions or privileges of any lease, sublease or occupancy agreement, including the decision to engage in or renew any lease, sublease or occupancy agreement, imposed by Ordinance Number 19-2394 adopted by the Cook County Board of Commissioners on April 25, 2019 shall apply to an owner, or owner's property agent, of any Rental Residential Property within the Village. This Section 129F.081, as hereby amended, is declared to conflict with Ordinance Number 19-2394 adopted by the Cook County, Board of Commissioners.

SECTION 4: Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 5: That this Ordinance shall be in full force and effect beginning on June 9, 2020.

SECTION 6: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 9th day of June, 2020.

AYES: Berg, Brady, Brennan, Galante, Glotz, Mueller

NAYS: None

ABSENT: None

APPROVED THIS 9th day of June, 2020.

ATTEST



VILLAGE CLERK



VILLAGE PRESIDENT

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2020-O-029, “AN ORDINANCE AMENDING TITLE XI OF THE TINLEY PARK MUNICIPAL CODE AND ADDING SECTION § 129F.081 ENTITLED “PROSPECTIVE TENANT BACKGROUND INVESTIGATIONS”, which was adopted by the President and Board of Trustees of the Village of Tinley Park on June 9, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 9th day of June, 2020.



KRISTIN A. THIRION, VILLAGE CLERK