



Know Your Rights in Chicago's Northern Suburbs

By knowing their rights and responsibilities under state law, landlords and tenants can avoid surprises and misunderstandings, and maintain a more clearly defined and mutually respectful relationship. This pamphlet offers a summary of general expectations for both sides. Please note that different towns and cities have different rental statutes, and therefore questions about specific situations should be answered by a knowledgeable attorney.

Where can I get more help and information?

In north suburban Chicago, call Open Communities, which will inform you of your rights and options help you and your neighbors resolve housing disputes, and provide referrals – all without charge.

For additional assistance, call your city or town government, which can provide information about local statutes and make referrals to relevant agencies. The City of Evanston has its own landlord/tenant ordinance.

For specific legal advice, contact a private attorney experienced in rental issues. Other options include the following:

- For Cook County, contact the Legal Assistance Foundation (LAF) by telephone at (312) 341-1070 or online at www.lafchicago.org;
- For northern Illinois outside of Cook County, contact Prairie State Legal Services at (815) 965-2134 or www.pslegal.org
- For central and southern Illinois, contact Land of Lincoln Legal Assistance Foundation, Inc. at (618) 398-0574 or www.lollaf.org.



About Open Communities

Founded in 1972 by residents and congregations, Open Communities is a non-profit, membership-based organization whose mission is to educate, advocate and organize to promote just and inclusive communities in north suburban Chicago. Its programs include: Fair Housing Discrimination Investigation and Education, Foreclosure Prevention Housing Counseling, Landlord/Tenant Advice, Immigrant Leadership Development, affordable housing advocacy, and community organizing. Visit us on the Web at www.open-communities.org.

Disclaimer: The information presented herein is intended neither to substitute for specific legal advice nor to replace the advice and counsel of an attorney. If you have a serious dispute with your landlord, contact a lawyer experienced in landlord-tenant issues.



614 Lincoln Avenue
Winnetka, Illinois 60093-2331
847.501.5760
open-communities.org



Formerly known as the Interfaith Housing Center of the Northern Suburbs

Landlord and Tenant Rights and Responsibilities





Tenant rights and responsibilities:

- Pay your rent on time each month. Remember that your landlord may be allowed to charge a fee for late payment of rent - if such a late-fee provision is in your lease.
- Don't cause damage in the apartment or common areas, and don't remove anything belonging to the building or other tenants.
- Don't let garbage accumulate, and know and follow the landlord's rules regarding trash disposal.
- Use appliances, plumbing and electrical systems only as intended. (For example, never use the oven as a space heater and don't overload electrical outlets.)
- Remember that you must allow the landlord to enter your unit to inspect it or make repairs, as long as you have received reasonable advance notice.
- Learn and follow all community rules regarding parking, pets, noise, etc., and be a considerate neighbor.
- Do not engage in illegal activity on the premises. Unlawful behavior violates the lease agreement, and allows your landlord to terminate it.
- Tell your landlord if you're going to be away for more than a few weeks, or if there is some other major change in your living arrangements.
- Keep a copy of your lease, along with all receipts, canceled rent checks and copies of any letters or other communications to or from the landlord.
- If you get an eviction notice for unpaid rent, remember that you may have no more than five days to pay in full before the landlord can file an eviction summons in court (although victims of domestic violence have special protection). If you get an eviction summons, consider contacting a lawyer or Open Communities (see below).
- The Residential Tenants' Right To Repair Act, 765 ILCS 742, authorizes some, but not all, tenants to make required minor repairs (costing less than \$500.00 or one-half a month's rent) and deduct the cost of the repairs from the rent after giving the landlord 14 days written notice. Check with a lawyer or community organization before taking this action.
- Know that you have the right to organize with your neighbors if there are building-wide problems.

Landlord rights and responsibilities:

- Treat all current and prospective tenants fairly and equally without regard to race, religion, sex, color, national origin, disability, sexual orientation, presence of children in the residence, age and other characteristics protected by fair housing laws.
- Make sure rental units meet applicable standards for health and safety, including stairways, door locks, walkways and hot and cold running water.
- Provide adequate heat, in compliance with local ordinances.
- Ensure that electrical, plumbing, heating/cooling and ventilation systems are well-maintained and in good working order. Make repairs as needed to keep all units and common areas safe and livable.
- Inform tenants of all community rules before signing a lease.
- Give reasonable notice before entering a tenant's unit, preferably specifying the notice period on the lease.
- Pay tenants interest on their security deposit in buildings with 25 or more contiguous units.
- Return security deposits within 30 days, if no deductions are made (rule applies to buildings with six or more units).
- If you return less than the entire security deposit, provide an itemized list of deductions within 30 days after the tenant moves out and return the remainder of the deposit within 45 days (rule applies to buildings with six or more units). Deductions made for cleaning or repairs above normal wear and tear must be listed in writing. Failure to comply could result in litigation and assessment of damages owed to the tenant.
- For buildings with five units or less, return the deposit within a reasonable time (generally 45 days). Any deductions made must be listed in writing.
- If rent is unpaid, you may issue a five-day notice warning the tenant to pay by the given date or face eviction. The notice must be personally served on the tenant or on a person over the age of 13 residing on or being in charge of the premises.
- If a tenant violates the lease in any other way, you may issue a 10-day notice warning the tenant to correct the problem or face eviction.
- Remember that your tenants' apartments are their homes, and allow them to live in peace and without harassment.
- Change the locks after a tenant vacates a unit and before the new tenant moves in.

Landlords cannot do the following:

- Lock a tenant out. (If this occurs to you, call 911 immediately.)
- Raise the rent during the term of the lease.
- Threaten to cut off services, raise the rent or issue an eviction notice if the tenant complains to management or a government agency about a problem affecting health or safety.
- Change the locks, shut off utilities or remove tenants' belongings, in order to make them leave.
- Charge an additional security deposit for a support animal (such as a seeing-eye dog), as it does not qualify as a pet.

Leases cannot do the following:

- Take away tenants' right to enjoy a livable residence or to relinquish their security deposit and associated interest without cause.
- Allow a landlord to evict a tenant without first taking the tenant to court.
- Allow a landlord to take a tenant to court without first notifying the tenant of the problem.
- Specify a very large late fee or other unreasonable penalties.
- Prohibit tenants from complaining to government agencies about building code violations.

