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**AN ORDINANCE AMENDING TITLE 5 CHAPTER 8 (RENTAL HOUSING) OF THE ORLAND PARK VILLAGE CODE RELATIVE TO THE CRIME FREE PROGRAM AND A CONFLICT WITH A COOK COUNTY ORDINANCE (COOK COUNTY “JUST HOUSING” ORDINANCE)**

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**WHEREAS**, the Village of Orland Park (“Village”) is a home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; 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 Village finds it 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 Orland 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.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

**SECTION 1:**

The recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

**SECTION 2:**

Title 5 (Building) Chapter 8 (Rental Housing) of the Orland Park Village Code is hereby amended by adding a new subsection 9 to Section 5-8-3-2 (Crime Free Program) which shall provide in its entirety as follows:

5-8-3-2: CRIME FREE PROGRAM

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“9. Prospective Tenant Background Investigations:

- a. An owner, or owner’s property agent, of any Rental Residential Property, may conduct, or have conducted by a reputable agency, 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 Rental 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 5-8-3-2, as hereby amended, is declared to conflict with Ordinance Number 19-2394 adopted by the Cook County, Board of Commissioners.

**SECTION 3:**

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 4:**

Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall neither affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 5:**

Except as to the Code provision set forth above in this Ordinance, all Chapters and Sections of the Village Code of the Village of Orland Park, as amended, shall remain in full force and effect.

**SECTION 6:**

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.