



ANNA VALENCIA
CITY CLERK

RESTRICTED RESIDENTIAL ZONE
ADMINISTRATIVE RULES
Effective: December 17, 2016

Preface

BY AUTHORITY VESTED IN THE CITY CLERK PURSUANT TO THE CHICAGO MUNICIPAL CODE CHAPTER 4-17, WHICH IS HEREBY INCORPORATED BY REFERENCE, THE FOLLOWING RULES AND REGULATIONS ARE ADOPTED HEREIN.

By Order of the Clerk:

Signed: 
Anna Valencia

Date: 4/13/17

Section 1: Definitions

“Circulator” means an individual who is at least 18 years of age or older and a citizen of the United States.

“Challenger” means a person who submits a Petition challenge to the Office of the City Clerk.

“Legal Voter(s)” means a person: (1) who is duly registered to vote in the City of Chicago; and (2) whose name appears on a poll list compiled by the Chicago Board of Election Commissioners since the last preceding election, regardless of whether the election was a primary, general or special election; and (3) who, at the relevant time, is a resident of the address in Chicago at which he or she is registered to vote; and (4) whose address, at the relevant time, is located in the precinct where such person seeks to circulate or to sign a Petition, within the meaning of Section 4-17-020, for an ordinance establishing that precinct as a Restricted Residential Zone. As used in this definition, the term “relevant time” means at any time that: (i) a notice of intent is filed, pursuant to Section 4-17-030, to initiate the Petition process under this Chapter 4-17, or (ii) the Petition is circulated for signature in the applicable precinct; or (iii) the Petition is signed by registered voters in the applicable precinct.

“New or additional” means, as applicable, any vacation rental or shared housing unit that was not properly licensed by or registered with the City as of the effective date of the Ordinance establishing a Restricted Residential Zone within the precinct where the vacation rental or shared housing unit is located.

“Notice of Intent” means an approved form document informing the Office of the City Clerk of a Legal Voter’s intent to Petition to create a Restricted Residential Zone in the Legal Voter’s precinct.

“Notice of Intent Posting Date” is the date on which the Notice of Intent is posted online; this date begins the 90-day period during which the Petitioner/Circulator may gather signatures. “Days” for the purposes of the 90-day period means calendar days including Saturdays, Sundays, and all holidays.

“Petition(s)” means an approved Petition Form as created by the Office of the City Clerk for those seeking to create a Restricted Residential Zone.

“Petition Due Date” means the 120th day after the Notice of Intent Posting Date, and is the last day the Petition shall be accepted by the City Clerk.

“Platform” means an internet-enabled application, mobile application, or any other digital platform used by a short term residential rental intermediary to connect guests with a short-term residential rental provider.

“Precinct” means the smallest constituent territory within the City of Chicago in which electors vote as a unit at the same polling place in any election governed by the Illinois Election Code.

“Primary Residence” means the dwelling unit where a person lives on a daily basis at least 245 days in the applicable calendar year. The failure of a person to claim a Cook County homeowner exemption for a dwelling unit shall create a rebuttable presumption that such dwelling unit is not the person’s primary residence.

“Residentially Zoned Property” means property that bears an RS1, RS2 or RS3 designation pursuant to the Chicago Zoning Ordinance.

“Restricted Residential Zone” means a precinct for which an ordinance has been passed restricting shared housing, vacation rentals, or both.

“Shared Housing Unit” means a dwelling unit containing six or fewer sleeping rooms that is rented, or any portion therein is rented, for transient occupancy by guests. The term “Shared Housing Unit” shall not include: (1) single room occupancy buildings, (2) hotels, (3) corporate housing, (4) bed-and-breakfast establishments, (5) guest suites, or (6) vacation rentals.

“Tenant” means a person who has a rental agreement for a dwelling unit in which rental payments are paid on a monthly or other regular basis for permanent occupancy of the dwelling unit. As used in this definition, the term “permanent occupancy” means occupancy on a daily or nightly basis, or any part thereof, for a period of 32 or more consecutive days.

“Vacation Rental” means a dwelling unit that contains six or fewer sleeping rooms that are available for rent or for hire for transient occupancy by guests. The term “Vacation Rental” shall not include: (1) single room occupancy buildings or bed-and-breakfast establishments, (2) hotels, (3) a dwelling for which a tenant has a month-to-month rental agreement and the rental payments are made on a monthly basis, (4) corporate housing, (5) guest suites, or (6) registered shared housing units. As used in this definition, the term “transient occupancy” means occupancy on a daily or nightly basis, or any part thereof, for a period of 31 or fewer consecutive days.

Section 2: Restricted Residential Zones – Generally

1. The City Clerk shall manage the Petition process for creating Restricted Residential Zones as provided in Chapter 4-17-090 of the Chicago Municipal Code.
2. The Petition process is advisory ONLY. A Restricted Residential Zone is established only by ordinance.
3. A Restricted Residential Zone shall remain in effect for four years after the effective date of the ordinance establishing the zone, unless repealed earlier pursuant to Section 4-17-050 of the Chicago Municipal Code.

Section 3: Restriction Types and Eligibility

1. A Restricted Residential Zone shall be established only in a precinct that has at least one Residentially Zoned Property.
2. There are six options for restricting house sharing/vacation rentals in a precinct:
 - (a) Prohibit all new or additional shared housing units and vacation rentals;
 - (b) Prohibit all new or additional shared housing units;
 - (c) Prohibit all new or additional vacation rentals;
 - (d) Prohibit all new or additional shared housing units and vacation rentals that are not their owner’s or tenant’s Primary Residence prohibited;
 - (e) Prohibit all new or additional shared housing units that are not their owner’s or tenant’s Primary Residence; or
 - (f) Prohibit all new or additional vacation rentals that are not their owner’s or tenant’s Primary Residence.
3. The six restrictions are not mutually exclusive. More than one restriction may simultaneously apply to a single precinct, however the MOST restrictive option or combination of options shall control.

Section 4: Beginning the Petition Process – Submitting a Notice of Intent

1. More than one Legal Voter may submit a Notice of Intent for their same precinct.
2. There is no limit on the number of Legal Voters who may submit a Notice of Intent for their same precinct.
3. A completed Contact Form must be submitted with the Notice of Intent. A Contact Form is valid if all required fields are completed and the form is signed and dated by the Petitioner.
4. A Notice of Intent may be rejected as invalid at the discretion of the City Clerk.
5. The City Clerk shall review a submitted Notice of Intent for validity. A valid Notice of Intent shall, at minimum, meet the following requirements:
 - (a) The Legal Voter’s address is located within the precinct the Legal Voter seeks to restrict;
 - (b) The legal description of the precinct is correct and accurate;
 - (c) The precinct map is correct and accurate; and
 - (d) The Contact Form is complete.
6. Notices of Intent shall be submitted in person to the City Hall Office of the City Clerk, located at 121 North LaSalle Street – Room 107, Chicago, Illinois, 60602.
7. An accepted Notice of Intent shall be date-stamped upon receipt.

8. A Legal Voter whose Notice of Intent is rejected may submit a new Notice of Intent that complies with the requirements of this section.

Section 5: Petition – Submission Requirements

1. More than one Petition may be circulated for the same precinct.
2. Petitions may be circulated only by an individual who is 18-years-of-age or older and a citizen of the United States.
3. No Petition shall be accepted after 120 days have elapsed from the Notice of Intent posting date.
4. A Petition shall be submitted only by the Legal Voter named on the Notice of Intent, or by the Legal Voter’s authorized representative.
5. Petition packets shall be bound so that the sheets are not loose, the sheets numbered, with the original initialed page on top.
6. No Petition packet shall be considered complete and submitted until:
 - (a) A hard copy of the original Petition packet is submitted to the City Hall Office of the City Clerk, located at 121 North LaSalle Street – Room 107, Chicago, Illinois, 60602;
 - and
 - (b) A date-stamped Petition Receipt is given to the Legal Voter or the Legal Voter’s representative.
7. Accepted Petitions shall be posted online for a 30 day comment period.
8. For the purposes of the Petition process, “Days” means calendar days, including Saturdays, Sundays, and all holidays. If the Office of the City Clerk is closed on the Petition Due Date, the Petition will be accepted on the next business day.

Section 6: Petition – Comment Period

1. Comments will be accepted for 30 days following the Petition posting date.
2. Comments may be submitted:
 - (a) Via mail addressed to the Office of the City Clerk: Attn: House Share, 121 North LaSalle Street – Room 107, Chicago, Illinois, 60602;
 - (b) In person to the City Hall Office of the City Clerk; or
 - (c) By email to clerk.houseshare@cityofchicago.org.
3. The City Clerk will make comments available for public inspection at the City Hall Office of the City Clerk.

4. Comments deemed profane or off topic shall not be available for public view.
5. The City Clerk reserves the right to redact, edit, or otherwise abbreviate or paraphrase comments as deemed appropriate by the City Clerk.
6. At the end of the 30-day period, comments shall be submitted to the Alderman of the precinct sought to be restricted.

Section 7: Petition – Review

1. An accepted Petition shall undergo a 30-day legal sufficiency review.
2. The City Clerk may take all steps necessary and appropriate to verify the validity and legal sufficiency of each submitted Petition, pursuant to Chicago Municipal Code Section 4-17-030(d).
3. The City Clerk will verify the following information on each Petition page:
 - (a) The stated precinct and ward are correct in the top caption and in the bottom certification paragraph;
 - (b) The stated restriction matches the restriction chosen on the Notice of Intent;
 - (c) The Circulator swore to and affirmed the accuracy of the Petition; and
 - (d) The Notary has an active Illinois Notary Public Commission.
4. A Petition may be rejected for the following reasons:
 - (a) The Petition packet does not contain the signatures of 25% of the Legal Voters in the precinct;
 - i. If an individual who is not the Circulator of a Petition page signs and swears to, before a notary public, the Petition page that was circulated by another, that Petition page shall be rejected as invalid, and the signatures on such page shall not count toward the requisite number of signatures.
 - ii. If several Petition pages appear invalid, or otherwise fraudulent or suspicious, the City Clerk may reject the entire Petition packet.
 - (b) The Notary does not have an active Illinois Notary Public Commission.
 - (c) The City Clerk determines that the Petition is otherwise legally insufficient and/or invalid and/or otherwise fails to comply with any legal requirements as established, or fails to comply with or follow or meet any of these Administrative Rules.
5. A Petition signature page must be notarized by an active and valid Illinois notary public.
6. A Petition signature page that is not notarized by an active and valid Illinois notary public shall be rejected as invalid, and the signatures on such page shall not count toward the requisite number of signatures.

7. Signatures of persons who are not Legal Voters in the precinct shall be crossed off of the Petition, and will not count toward the requisite number of signatures.
8. Signatures that were obtained outside of the 90-day signature gathering period will be crossed off of the Petition and will not count toward the requisite number of signatures.
9. Duplicate signatures will count only as one signature when calculating the total number of signatures.
10. The City Clerk reserves the right to reject a Petition that is legally insufficient or invalid in any way and for any reason as determined solely by the City Clerk.
11. The City Clerk shall post online a Notice of Rejection for each rejected Petition, and the reason(s) therefor.

Section 8: Petition – Challenges of Legal Sufficiency and Invalidity

1. A Legal Voter may challenge the legal sufficiency and/or validity of a Petition that seeks to create a Restricted Residential Zone in the Legal Voter’s precinct only for those reasons stated in Section 7 above. The City Clerk shall reject a Petition challenge submitted by a Legal Voter who does not reside in the precinct the challenged Petition seeks to restrict.
2. A Petition challenge shall be submitted within the 30-day legal sufficiency review time period. The City Clerk shall reject a Petition challenge submitted before the Petition posting date, or after the 30-day legal sufficiency review.
3. A Petition challenge shall be submitted in person to the City Hall Office of the City Clerk, located at 121 North LaSalle Street – Room 107, Chicago, Illinois, 60602.
4. A Petition challenge shall meet the following requirements:
 - (a) Submitted in writing;
 - (b) States the Challenger’s name, address, phone number, ward number, and precinct number;
 - (c) States the precinct number and ward stated on the challenged Petition;
 - (d) Clearly states the reason(s) for the Petition challenge as defined by Section 7 of these Administrative Rules; and
 - (e) A copy of the challenged Petition is attached.
5. Within 14 days of receiving the Petition challenge, the City Clerk will make a determination to either:
 - (a) Accept the Petition challenge; or
 - (b) Reject the Petition challenge.
6. The City Clerk’s determination on the Petition challenge is final.