

AN ORDINANCE  
AMENDING CHAPTER 6.37  
OF THE ELGIN MUNICIPAL CODE, 1976, AS AMENDED,  
ENTITLED “RENTAL RESIDENTIAL PROPERTY”

WHEREAS, the City Council of the City of Elgin has determined it is necessary and desirable to provide for the licensing and inspection of rental residential properties within the city; and

WHEREAS, the City of Elgin is a home rule municipality as defined in Article VII, Section 6A of the 1970 Constitution of the State of Illinois; and

WHEREAS, the City of Elgin, as a home rule unit may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the licensing and inspection of rental residential property pertains to the government and affairs of the City of Elgin.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Chapter 6.37 of the Elgin Municipal Code, 1976, as amended, entitled “Rental Residential Property,” be and is hereby further amended in its entirety to read as follows:

“Chapter 6.37  
RENTAL RESIDENTIAL PROPERTY

6.37.010: PURPOSE:

The purpose of this chapter is to provide for the licensing and inspection of rental residential property so as to protect the public health, safety and welfare of the people of the city including:

- A. To protect the public health and safety by ensuring rental units comply with minimum housing standards of city ordinances.
- B. To protect the character and stability of residential areas.
- C. To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social wellbeing, of persons occupying dwellings.
- D. To prevent the overcrowding of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit.

- E. To facilitate the enforcement of minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight.
- F. To preserve the value of land and buildings throughout the city.

6.37.020: PROVISION OF INSPECTION RIGHTS AND PENALTIES:

This chapter shall not be construed as to restrict the right of this city to inspect any property nor to seek penalties for violations of other provisions of this code.

6.37.030: DEFINITIONS:

**AUTHORIZED AGENT:** A person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the code official to manage a rental residential property, including the authority to receive notices or citations, schedule and/or attend inspections, is at least 18 years old, and resides in and/or maintains an office in Kane County, Illinois, or otherwise located within ten (10) miles of the corporate limits of the City of Elgin.

**BED AND BREAKFAST INN:** A single-family dwelling or portion thereof where rooms without cooking facilities for the occupancy of temporary guests are provided at a daily rate of compensation for a maximum of seven (7) consecutive days, and where meals are provided for compensation in contradistinction to a "hotel", a "motel", or a "rooming house" which are separately defined within this chapter.

**CODE OFFICIAL:** The Neighborhood Services Director or his/her designee.

**DEPARTMENT:** The Division of Code Compliance within the Department of Neighborhood Services.

**DWELLING:** A building, or portion thereof, used exclusively for human habitation.

**DWELLING UNIT:** One or more rooms containing individualized cooking, sleeping and sanitary facilities which is designed, occupied or intended for use by one household.

**FAMILY:**

- A. One or more persons each related to the other by blood or marriage, including adopted or foster children plus domestic employees "Immediate family" for the purposes of this chapter is spouse, mother, father, brother, sister, children, mother-in-law, father-in-law, grandparents, and grandchildren; or,
- B. Persons participating in a lawfully established program for residential care, plus support staff.

**HOTEL:** A building in which lodging with accompanying bathrooms is provided and offered to temporary guests for compensation and in which ingress and egress to all rooms is provided through an interior lobby or office supervised by a person in charge at all hours. Maid service,

linen laundering, telephone and secretarial or desk service are also provided for lodgers in contradistinction to a "motel", a "rooming house" or a "bed and breakfast inn" which are separately defined within this chapter.

**MOTEL:** A building or group of buildings in which lodging rooms with accompanying bathrooms are provided and offered primarily to temporary guests for compensation in contradistinction to a "hotel", a "rooming house" or a "bed and breakfast inn" which are separately defined within this chapter. A motel also furnishes services such as maid service and linen laundering and provides secretarial and desk service.

**MULTIPLE-FAMILY RENTAL RESIDENTIAL PROPERTY:** Rental residential property with two (2) or more dwelling units.

**RENTAL RESIDENTIAL PROPERTY:** Dwellings, dwelling units, rooming houses, and rooming units let or intended to be let for rent or lease, including but not limited to properties that are listed and/or let for rent, lease, or occupancy on a short-term basis either independently or through online services (e.g., AirBnB, VRBO, etc.).

**ROOMING HOUSE:** A building containing rooming units in which meals may or may not be served in contradistinction to a "hotel" or "motel" or "bed and breakfast inn" which are separately defined within this chapter.

**ROOMING UNIT:** A room rented or leased as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping facilities shall be counted as one rooming unit for the purpose of this chapter.

**SINGLE-FAMILY RENTAL RESIDENTIAL PROPERTY:** Rental residential property with one dwelling unit.

**TENANT:** An occupant of rental residential property.

Words or phrases as used in this chapter and not herein defined shall be defined as provided by chapters 16.04 and 16.20 of this code, as amended.

**6.37.040: LICENSE REQUIRED:**

- A. It is unlawful for any person, firm, partnership, corporation or other legal entity to operate, maintain or offer to rent within the city a rental residential property whether vacant or not without first obtaining a license as provided in this chapter.
- B. It is unlawful for a person to occupy a rental residential property, or for any owner or property agent to allow anyone to occupy a rental residential property which is not licensed as provided in this chapter.

C. It is unlawful for any person, firm, partnership, corporation or other legal entity to offer for rent or to occupy any vacant dwelling unit or rooming unit or any dwelling unit or rooming unit that becomes vacant in a rental residential property for which a license is under suspension.

D. This chapter shall not apply to the following structures:

1. Single-family owner occupied dwellings.
2. Single-family dwellings occupied by a member of the owner's immediate family (see definition of “Family”).
3. Single-family dwellings which are vacant but which are not intended to be let for rent (active military deployed overseas, etc.).
4. Townhouse and condominium owner occupied dwellings.
5. Hotels, motels and bed and breakfast inns.
6. Dwellings, buildings, structures and uses licensed and inspected by the state or the federal government, including, but not limited to, nursing homes, retirement centers, rest homes, etc.
7. Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities.
8. Single-family and two-unit rental residential properties, lawfully established as either a lawful conforming or lawful non-conforming use, in which each dwelling unit is occupied by the owner or a member of the owner’s immediate family.
9. Single family homes, vacant and actively listed for sale.

The city may require additional evidence and/or documentation that demonstrates the applicability of any of the foregoing exceptions, including but not limited to, affidavits, birth certificates, state-issued identification, etc.

E. A license and associated fees for a rental residential property cannot be transferred to another rental residential property, nor a succeeding owner. In the event that a rental residential property is owned by a corporation or other business entity and such company/business changes its name, a new license and associated fees will be required. However, in such circumstances if the owner or owners of the property will remain the same following the name change and the name change is occurring within six (6) months of a prior violation-free inspection, no additional inspection will be required.

6.37.050: LICENSE APPLICATION:

- A. Each applicant for a license or renewal license to maintain a rental residential property for the purpose of renting it to others or for the purpose of allowing others to occupy it as a dwelling unit or a rooming unit shall file a written application with the Code Official stating:
1. The full legal name, address, e-mail address, home, work and cell phone numbers of each and every owner and the current lawful tenants of the rental residential property.
  2. The address of the rental residential property, including the identification method for individual units (A, B, C, 1, 2, 3, upper, lower, etc.).
  3. The number of dwelling units or rooming units within the rental residential property.
  4. In the case of a rental residential property owner whose principal residence is outside of the state of Illinois and who cannot personally respond to a property complaint within 24 hours of notice of a violation, said owner must provide the name, address, e-mail address, and all phone numbers of his/her authorized agent with authority for receipt of service or notice of a violation of the provisions of this chapter.
  5. Whenever there is a change in the owner's authorized agent, the owner(s) shall, within fifteen (15) business days of such changes, file an updated written notice with the Code Official indicating such changes.
  6. The total square footage designated for living and sleeping purposes within the rental residential property as determined by the city's property maintenance code.
  7. Approval must be obtained from the Code Official prior to any change being made in the number of dwelling units or rooming units within a licensed rental residential property. Application for such change shall be made on a form provided by the Code Official. The Code Official will review the proposed change and respond to the property owner within thirty (30) days of the filing of the application. Any and all changes must meet all zoning, property maintenance code and building code requirements of this code.
- B. Each application for a new license or a renewal of an existing license shall be accompanied by a fee as determined by the number of dwelling units or rooming units established within the rental residential property, as set forth in the table below:

<u>Number Of Dwelling Units Or Rooming Units</u>	<u>New License Or License Renewal Application Fee</u>
1 - 5	\$149.00
6 - 10	\$224.00

11 - 15	\$300.00
16 - 20	\$373.00
21 - 25	\$448.00
26 - 30	\$524.00
31 - 35	\$597.00
36 - 40	\$670.00
41 - 45	\$746.00
46 - 50	\$821.00
51 - 55	\$897.00
56 - 60	\$970.00
61 - 65	\$1,045.00
66 - 70	\$1,121.00
71 - 75	\$1,194.00
76 - 80	\$1,270.00
81 - 85	\$1,345.00
86 - 90	\$1,418.00
91 - 95	\$1,494.00
96 - 100	\$1,567.00
Every 5 units above 100	Additional \$75.00

For the purposes of this subsection, the calculation of the total number of dwelling units or rooming units within any rental residential property established within a single building using more than one street address shall be determined by counting the total number of such dwelling units or rooming units existing within such building (i.e., not per street address within such building), provided that more than two (2) dwelling units or two (2) rooming units have been established in the building. All such fees shall be payable at the office of the department. Each application for a new license or a renewal license shall also be accompanied by a copy or copies of the written notice or notices required under subsection 6.37.100C of this chapter advising each tenant or occupant of the maximum number of persons allowable by the occupancy standards of the city's property maintenance code. Applicants for a new license shall be assigned an annual license renewal date determined by the date on which their application for a new license was filed with the city. A license issued under this chapter will expire on the last day of the month that is one year from the date of registration. For instance, if the registration date is July 16, 2017, the expiration date will be July 31, 2018.

**6.37.060: INSPECTION REQUIREMENTS:**

- A. All rental residential property shall be subject to an inspection as a condition to the issuance of the license. An inspection shall be scheduled with the Code Official at the time of the

application for a license for a rental residential property.

- B. Upon receipt of a completed application for a license or renewal license for a rental residential property, including the payment of all required fees and the scheduling of a required licensing inspection, the Code Official shall issue a license. The property will also be checked for any outstanding fees or other charges owed to the city, which will be due immediately and prior to the issuance of a license or renewal license. Open and expired permits will be required to have permit inspections scheduled within ten (10) business days from the submission of a completed application.
- C. Licensing inspections of rental residential property shall be conducted within one hundred twenty (120) days from the issuance of an initial license or renewal license. The licensing inspection shall determine whether the rental residential property is in conformance with the city's zoning ordinance and all other applicable provisions of this code. The licensing inspection shall also include a physical inspection of the rental residential property including the building exterior, common areas, basement, accessory structures and twenty percent (20%) of both the individual dwelling units and rooming units, when applicable, with a minimum of at least one dwelling unit and rooming unit, when applicable. The Code Official will determine which dwelling units and rooming units are to be inspected.
- D. If an owner, authorized agent, tenant or occupant who is listed on a rental license application or lease is not present for an inspection at the designated appointment time such that the Code Official is unable to conduct a scheduled inspection, in addition to any other remedies a missed inspection fee pursuant to section 6.37.135 of this chapter shall apply.
- E. When a licensing inspection of a rental residential property reveals any violations of applicable codes, a compliance time frame will be set by the Code Official. In establishing a compliance time frame, the Code Official shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. The Code Official shall send notice to the property owner or the listed authorized agent by regular U.S. mail and by e-mail with delivery confirmation the last address provided on the most recent license application. Said notice shall include the following:
  - 1. Description of the property sufficient for identification;
  - 2. A statement listing the violations of applicable codes;
  - 3. A statement of the date upon which the licensing reinspection must be scheduled by the owner or authorized agent ; and

An explanation that if upon completion of the licensing reinspection that the requirements of applicable city codes have not been met, the license will be suspended or revoked.

- F. A licensing reinspection will be conducted at the end of the compliance time frame. The license shall remain in effect upon the successful completion of a licensing reinspection that

determines the rental residential property meets the requirements of applicable city codes. If the Code Official finds that the requirements of applicable city codes have not been met, if there are unpaid fees or other charges owed to the city, if open expired permits exist, or that any information provided in the license application is false, the license shall be suspended or revoked in accordance with section 6.37.090 of this chapter.

- G A rental residential property which is in total compliance at the time of the licensing inspection, or has two or less non-life-safety violations which are identified and brought into compliance with a follow-up inspection or photo evidence within ten (10) business days of the initial inspection, shall receive a two (2) year extension of the license at no additional charge and with no additional inspections being required for the following two years, provided the owner or authorized agent of the rental residential property has successfully completed the landlord training class required under section 6.37.100 of this chapter. Life-safety violations include, but are not limited to, missing or malfunctioning smoke or carbon monoxide alarms, unlawful basement sleeping, unlawful occupancy, electrical and plumbing system hazards, non-functioning or non-existent utilities, infestations and sanitation issues.
- H. If any rental residential property is found to have had (2) or more violations of the city’s Property Maintenance Code, Zoning Ordinance, or any other ordinance or regulation relating to the keeping, maintenance or occupancy of property within the city after having been granted a two (2) year extension of a rental license pursuant to this section, said extension shall be rescinded and the owner shall be required, within ten (10) days of the date of rescission, to comply with all requirements for the renewal of a rental license, including but not limited to obtaining a rental license inspection and the payment of any applicable fees.
- I. If during a licensing inspection any dwelling unit or rooming unit is determined to be unfit for human occupancy as determined under the city’s property maintenance code, an additional twenty percent (20%) of the dwelling units and rooming units in the subject rental residential property shall be inspected. If similar violations are observed in the additional dwelling units and rooming units, the entire rental residential property will be subject to inspection. All additional dwelling units and rooming units inspected shall be subject to the dwelling unit and rooming unit fee as set forth in subsection 6.37.050 B of this chapter.
- J. The number of dwelling units and rooming units to be inspected per rental residential property shall be calculated using the following tables:

<u>Number Of Dwelling Units On Property</u>	<u>Number Of Dwelling Units To Be Inspected</u>
2-5	1
6-10	2
11-15	3
16-20	4



21-25	5
26-30	6
31-35	7
36-40	8
41-45	9
46-50	10

Properties having in excess of fifty (50) dwelling units shall have the number of dwelling units to be inspected calculated at twenty percent (20%) of the total number of dwelling units. The dwelling units to be inspected shall be selected by the Code Official.

<u>Number Of Rooming Units On Property</u>	<u>Number Of Rooming Units To Be Inspected</u>
2-5	1
6-10	2
11-15	3
16-20	4
21-25	5
26-30	6
31-35	7
36-40	8
41-45	9
46-50	10

Properties having in excess of fifty (50) rooming units shall have the number of rooming units to be inspected calculated at twenty percent (20%) of the total number of rooming units. The rooming units to be inspected shall be selected by the Code Official.

Applications for license renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact.

6.37.070: ENFORCEMENT:

It shall be the duty of the Department to enforce the provisions of this chapter as authorized by this code and the property maintenance code as adopted and amended by the city.

### 6.37.080: VIOLATIONS:

The following shall constitute violations of this chapter:

- A. Failure of the owner, owners, or authorized agent of the rental residential property to license such property with the Code Official prior to advertising a rental residential property or allowing occupants to occupy such property.
- B. Failure of the owner, owners, or authorized agent of the rental residential property to schedule a licensing inspection with the city after filing an application for a new license or after filing an application for renewal of an existing license.
- C. Failure of the occupants of the rental residential property to vacate such property within sixty (60) days after receiving notice from the code official that such property is not properly licensed or that the license has been revoked.
- D. Failure of the owner, owners, or authorized agent of the rental residential property to vacate all tenants from said property within sixty (60) days after the license has been revoked.
- E. Charging or collecting rents for a rental residential property where such property is not properly licensed under this chapter or where such license has been suspended or revoked.
- F. Failure of the owner, owners, or authorized agent of the rental residential property to maintain the structure and premises in compliance with applicable building codes, property maintenance codes and zoning ordinances.
- G. Any person other than a Code Official from the Department who removes or defaces any notices which have been posted pursuant to this chapter without the approval of the Code Official shall be liable for the penalties provided for by this chapter.
- H. Failure of the owner or owners of the rental residential property to comply with any other applicable provision of this chapter or this code.
- I. Where the maximum occupancy of the rental property has been exceeded, or where additional dwelling and/or rooming units have been added without the prior approval of the city, or if unlawful basement sleeping occurs at the property.

Nothing contained in this Chapter shall prevent the city from pursuing all available remedies for violations with respect to rental residential property, including but not limited to its right to condemn a property as unlawful pursuant to Chapter 16.12 of this Code, in addition to any other legal and equitable remedies available to the city.

### 6.37.090: LICENSE; SUSPENSION AND REVOCATION:

- A. A license may be suspended when violations of applicable city codes have been identified by the Department and the property owner has been properly notified of the violations and given

a reasonable period of time in which to correct violations, but has failed to do so. A license may also be suspended when any information provided in the license application is determined by the Code Official to be false.

- B. When an inspection of a licensed rental residential property reveals any violations of applicable codes, a compliance time frame will be set by the Code Official using the standard as set forth in section 6.37.060 of this chapter. The Code Official shall send notice to the property owner and the listed authorized agent by regular U.S. mail and e-mail with delivery confirmation at the last address provided on the most recent license application. Said notice shall include the following:
  - 1. Description of the rental residential property sufficient for identification;
  - 2. A statement listing the violations of applicable codes;
  - 3. A statement of the date upon which a reinspection must occur on or before; and
  - 4. An explanation that if upon completion of the reinspection that the requirements of applicable city codes have not been met, that the license for the rental residential property shall be suspended.
- C. A reinspection will be conducted no later than the end of the compliance time frame. If the Code Official finds that the requirements of applicable city codes have not been met upon the completion of such reinspection, the license for the rental residential property shall be suspended.
- D. When a license is suspended, the Code Official shall send notice to the property owner and the listed authorized agent at the last address provided on the most recent license application. Said notice shall be sent by certified mail, return receipt requested and by e-mail with delivery confirmation, or personally served upon the property owner or the authorized agent listed on the most recent license application. Should notice be attempted via certified mail, return receipt requested and e-mail with delivery confirmation is unsuccessful, posting of the notice on the rental property shall suffice as proper notice. The notice shall include the following:
  - 1. Description of the property sufficient for identification;
  - 2. A statement of the reasons for the suspension;
  - 3. An explanation of the property owner's right to appeal the suspension;
  - 4. If the property owner changes his address or changes property agents and fails to notify the department, such notice shall be sufficient if sent by certified mail and e-mail with delivery confirmation to the owner or his authorized agent's last address provided on the last license application.
- E. A property owner whose license has been suspended may request a reinspection prior to

revocation. If, upon reinspection, the Department finds that the licensed rental residential property in connection with which the notice was issued is now in compliance with this chapter, the Code Official may reinstate the license after all applicable fees have been paid. The request for a reinspection shall not stay the revocation of the license unless the Code Official grants such request pursuant to a showing of good cause by the property owner or authorized agent.

- F. Any person or entity whose license has been suspended shall be entitled to appeal the suspension by filing a petition as set forth in chapter 16.12 of this code with the appeals board vested with the authority for considering any such petition. Such an appeal shall operate as a stay of the revocation until such time as the appeals board renders a decision on the appeal. A hearing shall be scheduled in accordance with the provisions of this code and the rules and regulations of the appeals board. The appeals board considering any such petition may immediately revoke the license, continue the suspension to a definite compliance date with revocation being the penalty for noncompliance, or dismiss the charges and reinstate the license. The appeals board shall render a decision in accordance with the provisions of this code and its rules and regulations.
- G. A license may be revoked when a petition for appeal has not been filed within twenty (20) days following the date of issuance of an order of suspension, or, if the suspension is sustained after appeal. A license may also be revoked when, in the opinion of the Code Official, emergency conditions exist in a rental residential property that require the immediate vacating of a structure as specified in the city's property maintenance code.
- H. A license which has been properly revoked as herein provided shall not be reinstated. The property owner or authorized agent may, however, obtain a new license after all violations have been corrected and by following the procedures for obtaining a new license as set forth in this chapter, including the payment of all applicable fees.
- I. If a license is revoked without having the opportunity of a suspension hearing, the property owner or authorized agent has the right to appeal that revocation. Said appeal shall conform to subsection F of this section. Such an appeal shall operate as a stay of the revocation until such time as the appeals board renders a decision on the appeal.
- J. Whenever a license is revoked, the Code Official shall send notice to the property owner or the authorized agent at the last address provided on the most recent license application. Said notice shall be sent by certified mail, return receipt requested and e-mail with delivery confirmation. The Code Official shall also notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential structure. The notice to the property owner and the tenants and occupants shall include the following:
  - 1. *You are hereby notified that the license for this structure has been revoked pursuant to Chapter 6.37 of the Elgin Municipal Code and the continued occupancy of this structure as a rental residential property is unlawful.*
  - 2. *You must vacate this structure within sixty (60) days of the date of this notice.*

3. *Failure to vacate this structure is a violation of Chapter 6.37 of the Elgin Municipal Code, and penalties of fines in the minimum amount of \$100.00 may be imposed each day for as long as the license remains revoked and this structure remains occupied by persons for which a rental license is required. In addition, pursuant to Section 6.37.080.E of the Elgin Municipal Code, it is unlawful to charge or collect rents for this property while the license remains revoked.*

Any tenant of the rental residential property may appeal the revocation of the license. Said appeal shall conform with subsection 6.37.090.F of this section. Such an appeal shall operate as a stay of the revocation until such time as the appeals board renders a decision on the appeal.

The Code Official may defer the issuance and posting of a notice to tenants or occupants to vacate a structure pursuant to this subsection when the Code Official determines, in the Code Official's reasonable discretion, that the owner or authorized agent has failed to maintain a valid rental license as a means to cause the removal of the tenants or occupants of a structure in lieu of other lawful legal process, or where the Code Official otherwise determines, in the Code Official's reasonable discretion, that the purposes of this Chapter would not be served by the issuance and posting of a notice to vacate a structure.

- K. Whenever an owner or authorized agent of a rental residential property fails to license said property with the Department, the Code Official shall send notice to the property owner or the authorized agent at the last address provided on the most recent license application. Said notice shall be sent by certified mail, return receipt requested and e-mail with delivery confirmation. The Code Official shall also notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential structure. The notice to the property owner and the tenants and occupants shall include the following:
  1. *You are hereby notified that the owner or agent of this structure has failed to license this rental residential property with the Department in violation of Chapter 6.37 of the Elgin Municipal Code and the continued occupancy of this structure as a rental residential property is unlawful.*
  2. *You must vacate this structure within sixty (60) days of this notice.*
  3. *Failure to vacate this structure is a violation of Chapter 6.37 of the Elgin Municipal Code, and penalties of fines in the minimum amount of \$100.00 may be imposed each day this structure remains occupied by persons for which a rental license is required and the property remains unlicensed. In addition, pursuant to Section 6.37.080.E of the Elgin Municipal Code, it is unlawful to charge or collect rents for this property without a valid rental license issued pursuant to Chapter 6.37 of the Elgin Municipal Code.*

Any tenant of the rental residential property may appeal the Code Official's order to vacate the structure because the owner has failed to license said property with the Department. Said appeal shall conform with subsection 6.37.090.F of this section. Such an appeal shall operate as a stay of the order to vacate the structure until such time as the appeals board renders a decision on the appeal.

The Code Official may defer the issuance and posting of a notice to tenants or occupants to vacate a structure pursuant to this subsection when the Code Official determines, in the Code Official's reasonable discretion, that the owner or authorized agent has failed to obtain a rental license as a means to cause the removal of the tenants or occupants of a structure in lieu of other lawful legal process, or where the Code Official otherwise determines, in the Code Official's reasonable discretion, that the purposes of this Chapter would not be served by the issuance and posting of a notice to vacate a structure.

#### 6.37.100: OWNER RESPONSIBILITY:

- A. The owner or authorized agent of a rental residential property shall maintain a record for each property with the full legal names of every current lawful tenant or occupant residing in each dwelling unit or rooming unit. Each written lease or rental agreement must include a written copy of the Crime Free Lease Addendum, signed by the current lawful occupants, which shall be supplied to the Code Official at the scheduled rental inspection time. Where there is an oral agreement, a copy of the Crime Free Lease Addendum, signed by the current lawful occupants, must be supplied to the Code Official at the scheduled rental inspection time. Failure to provide this documentation at the time of the inspection will result the nonissuance of the rental license and/or a violation of this chapter.
- B. The owner or authorized agent of a rental residential property shall provide each tenant or occupant with the name and telephone number of a responsible person who, in emergency situations, will be available on a twenty four (24) hour basis and who has the authority to make repairs as needed. The owner or authorized agent shall also cause said information to be posted and maintained within the main entryway of every rental residential structure.
- C. The owner or authorized agent of a rental residential property shall inform each tenant or occupant in the written lease or rental agreement or, in the event of an oral agreement, otherwise in writing, prior to occupancy, of the maximum number of persons allowable by the occupancy standards of the city's property maintenance code. This number shall be determined by the Code Official.
- D. The owner or authorized agent of a rental residential property shall make available to the Code Official, upon request, the tenant and occupant records required to be maintained under this section.
- E. After June 30, 2006, the owner and authorized property agent of any rental residential property are required to successfully complete a landlord training class conducted by the city or an accredited landlord training class from another jurisdiction within one month from the date of the issuance of a license or renewal license for a rental residential property.
  - 1. The fee for such landlord training class shall be twenty two dollars (\$22.00) per person.
  - 2. An owner and authorized property agent of any rental residential property who successfully completes an accredited landlord training class shall not be required to attend and complete a landlord training class following the issuance of any subsequent license or renewal

license for any rental residential property.

3. When a new authorized agent is hired for a rental residential property and that authorized agent has not previously attended and successfully completed an accredited landlord training class conducted by the city or an accredited class from another jurisdiction, the new authorized agent shall attend and successfully complete an accredited landlord training class within one month from that agent's date of hiring as the authorized agent for the rental residential property.
  4. An owner or authorized agent of any rental residential property who has successfully completed prior professional training commensurate with the city's landlord training class may apply to the Code Official and seek a waiver from the landlord training class requirement. The Code Official, in his or her sole discretion, shall determine whether the applicant's prior professional training constitutes the substantial equivalent of the city's landlord training class. A representative example of substantially equivalent prior professional training includes, but it is not limited to, the "master property manager (MPM)" designation conferred by the National Association of Residential Property Managers (NARPM) and must minimally include coursework regarding tenancy related issues as well as habitability standards and maintenance.
- F. For any lease for rental residential property executed after June 30, 2006, the owner or authorized agent of any rental residential property shall utilize the Crime Free Lease Addendum set forth below, or have a clause in a lease substantially utilizing the language in the crime free lease addendum:

*CRIME FREE LEASE ADDENDUM*

*In consideration of the execution or renewal of a lease of the dwelling unit identified as [PROPERTY NAME, ADDRESS], unit number, Owner and Resident agree as follows:*

1. *Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)).*
2. *Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including, but not limited to drug-related criminal activity, on or near the said premises.*
3. *Resident or members of the household shall not permit the dwelling unit to be used for, or to facilitate criminal activity, including but not limited to drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.*

4. *Resident, any member of the resident's household or a guest, or another person under the resident's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the dwelling unit premises or otherwise.*
5. *Resident, any member of the resident's household, or a guest or another person under the resident's control shall not engage in and/or facilitate any illegal activity, including but not limited to the following: prostitution; criminal street gang activity; threatening or intimidating; assault, including but not limited to, the unlawful discharge of firearms on or near the dwelling unit premises; or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, the landlord's agent or other tenant or involving imminent or actual serious property damage.*
6. *VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease. There is no "good cause" requirement in the State of Illinois for lease terminations. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.*
7. *In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.*
8. *This LEASE ADDENDUM is incorporated into the lease executed or renewed this day of, 20 \_\_, between Owner and Resident.*

*Date:*

*Resident Signature*

*Date:*

*Property Manager's Signature*

#### 6.37.110: INSPECTION ACCESS:

If any owner, authorized agent, tenant or occupant of a rental residential property or a dwelling unit or a rooming unit contained therein who is at least 18 years old fails or refuses to consent to free access and entry to the property or dwelling unit or rooming unit under his/her control for any inspection pursuant to this chapter, the Code Official may apply to the circuit court for a search warrant or other appropriate court order authorizing such inspections and, in addition to the recovery of any other fines, costs, or other remedies that may be available to the City, a missed inspection fee will apply.



6.37.120: NO EFFECT ON LEASES:

With the exception of the provisions set forth in section 6.37.100 of this chapter, this chapter is not intended to and does not affect the rights and obligations of the parties to a lease oral or written, of a rental residential property.

6.37.130: PENALTY FOR VIOLATION:

- A. Except as otherwise provided in subsection 6.37.130.B, below, any person, firm or corporation violating any of the provisions of this chapter, in addition to any other legal and equitable remedies available to the city, shall be subject to the imposition of a fine as provided in chapter 1.20 of this code. Each day during which a violation of this chapter continues or is permitted to exist shall be considered a separate and distinct offense.
- B. Any person, firm or corporation violating any of the provisions of this chapter in the manner set forth below, in addition to any other legal and equitable remedies available to the city, shall be subject to the imposition of a fine in the amounts set forth below:
1. Failure to provide or maintain documentation that all occupants have been provided with a copy of the city's Crime Free Lease Addendum shall be subject to a fine of not less than one hundred dollars (\$100.00) per offense;
  2. Operating, maintaining, renting, or offering for rent a rental residential property that is not licensed in accordance with the provisions of this chapter, or occupying or permitting the occupancy of a rental residential property where such license is required, including but not limited to instances where such license has been suspended or revoked, shall be subject to a fine of not less than one hundred dollars (\$100.00) per offense.
  3. Where work performed at a residential rental property without a permit, the owner shall be subject to a fine of not less than one hundred dollars (\$100.00) per offense for the first offense, and a fine of not less than five hundred dollars (\$500.00) per offense for the second or subsequent offense by the owner, regardless of whether the second or subsequent offense occurred at the same property as the location of the first offense where an owner owns multiple residential rental properties;
  4. Where unlawful basement sleeping has occurred at a residential rental property, the owner shall be subject to a fine of not less than one hundred dollars (\$100.00) per offense for the first offense, and a fine of not less than five hundred dollars (\$500.00) per offense for the second or subsequent offense by the owner, regardless of whether the second or subsequent offense occurred at the same property as the location of the first offense where an owner owns multiple residential rental properties.
  5. Where the maximum occupancy of the rental property has been exceeded, or an additional dwelling and/or rooming units have been added without the prior approval of the city, the owner shall be subject to a fine of not less than five hundred dollars (\$500.00).

Each day during which a violation of this subsection continues or is permitted to exist shall be considered a separate and distinct offense.

6.37.135: MISCELLANEOUS FEES:

The fees set forth below shall be imposed on the owner of any rental residential property upon the occurrence of the described activity:

Reinspection, following a prior reinspection	\$100.00
Late Payment on any imposed fee that is 30-60 days overdue	\$25% of the amount of the imposed fee
Late payment on any imposed fee that is more than 60 days overdue	\$50% of the amount of the imposed fee
Missed inspection or more than one rescheduling of an inspection appointment (Inspections must be rescheduled not less than twelve (12) hours of the inspection date and time by speaking to Neighborhood Services staff in person or by phone to avoid a missed inspection/rescheduling fee.)	\$50.00
Suspended License	\$100.00
Revoked License	\$500.00 (plus new license fee)

6.37.140: SEVERABILITY:

If any provision, clause, sentence, paragraph, section, or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included.”

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed to the extent of any such conflict.

Section 3. That this ordinance shall be in full force and effect upon its passage and publication in the manner provided by law.

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David J. Kaptain, Mayor

Presented: February 26, 2020

Passed:

Vote: Yeas    Nays:

Recorded:

Published:

Attest:

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Kimberly A. Dewis, City Clerk