

3/24/2008
2/29/2008

42-O-08

AN ORDINANCE

**Amending the City Code
by Creating a New Title 5, Chapter 8,
"Registration of Rental Residential Buildings"**

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, requiring the annual registration of rental residential buildings is an effective way to compile a complete list of addresses of rental residential buildings, as well as the identities and contact information of the owners and managers of said buildings;

WHEREAS, pursuant to its home rule authority to protect the public health, safety and welfare of its residents, the City has adopted, by reference and with amendments, the 2003 International Property Maintenance Code, 2003 International Building Code, 2003 International Residential Code, 2003 International Plumbing Code, 2005 National Electrical Code, 2003 International Mechanical Code, 2003 International Fire Code, and the 2003 National Fire Protection Association 101 Life Safety Code; and

WHEREAS, collecting information regarding rental residential buildings by requiring the registration thereof will allow the City to notify to the owners of such buildings more efficiently and effectively of any alleged violations of the aforementioned Codes; and

WHEREAS, collecting information regarding rental residential buildings by requiring the registration thereof will allow the City to enforce the aforementioned Codes more efficiently and effectively to protect the health, safety, and welfare of the residents of such buildings; and

WHEREAS, the City enforces the aforementioned Codes by inspecting rental residential buildings for violations thereof; and

WHEREAS, the City does not impose any fees upon the owners of rental residential property in order to recover the costs of said inspections; and

WHEREAS, the City's housing inspection program costs approximately seven hundred thousand dollars (\$700,000.00) per annum; and

WHEREAS, requiring fees for the registration of rental residential buildings, pursuant to the City's home rule authority, is an effective way to recover some of these costs,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 5 of the Evanston City Code of 1979, as amended, is hereby further amended by adding a new Chapter 8, "Registration of Rental Residential Buildings", to read as follows:

5-8-1: PURPOSE:

The purpose of this Chapter is to promote the public health, safety, and welfare by requiring the registration of all buildings within the City of Evanston that contain rental dwelling units to promote more comprehensive inspections thereof, and more efficient notice of such inspections to the owners thereof.

5-8-2: DEFINITIONS:

For the purpose of this Chapter, unless the context requires otherwise, the following terms shall have the following meanings:

BUILDING: A structure, or part thereof, enclosing space designed or used for dwelling units offered for rent.

DEPARTMENT: The City of Evanston Community Development Department.

DIRECTOR: The Director of Community Development or his or her designee.

DWELLING UNIT: A single unit of one (1) or more contiguous rooms containing individual cooking, sleeping, and sanitary facilities for one (1) or more persons.

OWNER: Any person, agent, operator, firm or corporation having a legal or equitable interest in real property; or recorded in the official records of the state, county, or municipality as holding the title to the real property; or otherwise having control of the real property, including the guardian of any such person, or the executor or administrator of the estate of any such person. Throughout this Chapter, the singular shall include the plural.

5-8-3: REGISTRATION REQUIRED:

- (A) The owner of any building shall file a registration statement for each such building with the Department on forms provided by the Department for such purposes; provided, however, that the registration of a vacant building pursuant to Title 4, Chapter 20 of the City Code shall satisfy the registration requirement of this Chapter. Any such registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner of the building. For purposes of this Chapter, a post office box does not suffice as a street address. The registration statement shall include the following information:

- (1) The name, street address, telephone number, and e-mail address of each owner of the building. If the owner is a partnership, corporation, or voluntary unincorporated association, the statement shall further include the name, street address, telephone number, and e-mail address, and position of a responsible partner or officer. If the owner is a corporation, the statement shall also include the name, street address, telephone number, and e-mail address of the registered agent thereof;
 - (2) The name, street address, telephone number, and e-mail address of a natural person twenty-one (21) years of age or older, designated by the owner as the authorized agent for receiving notices of City Code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner in connection with the enforcement of the City Code. Notwithstanding the foregoing, this person may be between eighteen (18) and twenty-one (21) years of age provided that the registration statement includes proof that said person has a valid realtor's license issued pursuant to the Illinois Real Estate License Act, 225 ILCS 454-1-1 *et seq.*, as amended. This person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate him/herself as agent;
 - (3) The name, street address, telephone number, and e-mail address of the owner's agent for the purpose of managing, controlling or collecting rents, and any other person who is not an owner but who controls such building, if any;
 - (4) The name, street address, and telephone number of each company that provides an insurance policy for the building;
 - (5) The street address(es) and property index number(s) of the building, and the number of dwelling units therein.
- (B) Notwithstanding the foregoing, no registration shall be required for:
- (1) Lodging establishments governed by Title 5, Chapter 2 of the City Code;
 - (2) Buildings licensed and inspected by the State of Illinois or the Government, including, but not limited to, nursing homes, retirement centers, rest homes; or

- (3) Buildings owned by governmental agencies or public housing authorities.

5-8-4: ANNUAL REGISTRATION; REGISTRATION FEE; CERTIFICATE OF REGISTRATION:

- (A) The owner of a building shall register the building with the Department no later than December 31st of each year. The owner shall certify that the information provided on the registration statement is true and correct.
- (B) The owner of a building shall pay an annual registration fee for each building so registered at the time the owner files the annual registration statement, as per the table below. The registration fee shall not be prorated. If the owner of a building that contains no more than two (2) dwelling units is a person sixty-five (65) years of age or older, resides in one (1) of the two (2) dwelling units in the building, and furnishes proof with the application that he/she has qualified for the State of Illinois Circuit Breaker program, he/she shall be required to pay fifty percent (50%) of the registration fee.

Building Type	Registration Fee
Single-Family	\$20
Condominiums	\$20 per owner of rental dwelling unit(s) per building
Apartments with:	
2-4 Dwelling Units	\$30
5-12 Dwelling Units	\$50
13-24 Dwelling Units	\$100
25-50 Dwelling Units	\$150
51-100 Dwelling Units	\$300
101+ Dwelling Units	\$500

- (C) Upon registration and payment of the applicable fee, the Director shall issue a certificate of registration to the owner that certifies that the owner has registered the building in compliance with the terms of this Chapter.

5-8-5: AMENDED REGISTRATIONS:

The owner of a building required to register with the Department pursuant to the terms of this Chapter shall notify the Department, within twenty (20) business

days, of any change in the registration information by filing an amended registration statement on a form provided by the Department for such purpose. There shall be no additional fee for filing an amended registration statement.

5-8-6: ENFORCEMENT:

- (A) The Director and the Department shall enforce the terms of this Chapter by any lawful means, including, but not limited to, proceedings in the Circuit Court of or the City's Division of Administrative Hearings.
- (B) The Director may refuse to issue any permit(s) required by the City Code for any construction, alteration, installation, razing or other work done in or on any building as defined in this Chapter, or any certificate of occupancy required by the City Code for such a building, unless the owner(s) or other applicant for such permit(s) or certificate(s) presents a current certificate of registration for the building.
- (C) The City Clerk shall issue no real estate transfer tax stamps for a transfer involving a building, as defined in this Chapter, unless the grantor or seller presents a current certificate of registration for the building.

5-8-7: PENALTIES:

- (A) Each day that any building is not registered in accordance with the provisions of this Chapter shall constitute a separate and distinct offense.
- (B) In addition to any of the penalties provided in this Chapter, any person violating the terms of this Chapter shall, upon conviction thereof, be fined seventy-five dollars (\$75.00) for the first offense, two hundred dollars (\$200.00) for the second offense in any one hundred eighty (180)-day period, and three hundred seventy-five dollars (\$375.00) for the third and any subsequent offense in any one hundred eighty (180)-day period.
- (C) The intentional submission of false information on a registration statement or an amended registration statement filed pursuant to this Chapter shall be an offense punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day that such information remains uncorrected by the owner(s) shall constitute a separate and distinct offense.
- (D) Any fines shall be debts due and owing to the City that the City may collect by any means allowed by law, including, but not limited to, filing a lien against the building.

5-8-8: NOTICE OF CITY CODE VIOLATIONS:

- (A) By designating an authorized agent pursuant to the terms of Subsection 5-8-3 (A)2 of this Chapter, the owner consents to receive any and all notices of City Code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce City Code provisions concerning the registered building by service of the notice or process on the authorized agent until the owner files an amended registration statement or new annual registration statement pursuant to the terms of this Chapter.
- (B) Any owner who fails to register a building pursuant to the provisions of this Chapter shall further be deemed to consent to receive, by posting at the building, any and all notices of City Code violations and all process in an administrative proceeding brought to enforce City Code provisions concerning the building.
- (C) The terms of this Section shall supersede any conflicting or contradictory notice provisions contained within the City Code.

5-8-9: SEVERABILITY:

If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 10, 2008

Approved:

Adopted: March 24, 2008

March 27, 2008

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

Herbert D. Hill
Herbert D. Hill
First Assistant Corporation Counsel