

11/5/2018  
11/14/2018

**141-O-18**

**AN ORDINANCE**

**Amending Title 5, Chapter 8,  
“Registration of Rental Residential Buildings” to Include  
Inspection Requirements and Add Accessory Dwelling Units  
within the Purview of the Inspection Requirements**

**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 2012 International Property Maintenance Code, 2012 International Building Code, 2012 International Residential Code, current edition of the Illinois Plumbing Code, 2011 National Electrical Code, 2012 International Mechanical Code, 2012 International Fire Code, 2012 National Fire Protection Association 101 Life Safety Code, 2015 International Energy Conservation Code,

2012 International Fuel Gas Code, and current edition of the Illinois Accessibility 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**, requiring fees for the initial inspection and registration of existing dwelling units being registered for the first time, and the annual renewal registration of rental residential buildings, pursuant to the City's home rule authority, is an effective way to recover some of the administrative costs,

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

**SECTION 1:** Title 5, Chapter 8 "Registration of Rental Residential Buildings" of the City Code of 2012 is amended to read as follows:

**5-8-1: PURPOSE:**

The purpose of this Chapter is to promote the public health, safety, and welfare, and to establish maximum occupancy load of dwelling units by requiring the registration and inspection of all existing buildings within the City of Evanston that contain dwelling units being rented for the first time as permanent housing, and annual renewal registration of all dwelling units continuing to be rented 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:

**ACCESSORY DWELLING UNIT:** a dwelling unit that is accessory to the primary use of the principal structure. Accessory dwelling units may be detached from the principal structure or included in the principal structure, as allowed in Title 6, Zoning Code.

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

**DEPARTMENT:** The City of Evanston Health and Human Services Department, or any City department responsible for the inspection or residential buildings.

**DIRECTOR:** The Director of Health and Human Services 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.

**PERMANENT RENTAL HOUSING:** Any dwelling unit, including accessory dwelling units, rented for a period of 30 days or more.

**5-8-3: INITIAL INSPECTION AND REGISTRATION REQUIRED:**

**(A)** The owner of any dwelling unit being registered for permanent rental for the first time shall file a registration statement for each such dwelling unit 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.
  - (6) Floorplan of each dwelling unit with room dimensions.
  - (7) The owner of a dwelling unit shall pay an initial registration and inspection fee of \$200 for each existing dwelling unit being rented for the first time. New rental construction is exempt from this fee and inspection, as the Certificate of Occupancy determines that the unit meets current building standards for safe and sanitary housing.
- (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.
- (C) An inspection of each dwelling unit being rented for the first time shall be conducted by the Department to determine if the unit meets the standards of the International Property Maintenance Code and any other applicable building codes. The owner will be notified of any violations and be given a reasonable time to correct them.
- (D) Following registration, inspection, and payment of the \$200 fee, the Director shall issue a certificate of registration, including maximum occupancy load based on the square footage and room configuration, to the owner that certifies that the owner has registered each dwelling unit in compliance with the terms of this chapter.

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

- (A) The owner of a building shall renew the registration of 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.

<b>Building Type</b>	<b>Registration Fee</b>
Single-Family	\$20
Condominiums	\$20 per owner of rental dwelling unit(s) per building

Multifamily 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 renewed the registration of 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 or dwelling unit 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 be fined seventy-five dollars (\$75.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and three hundred seventy-five dollars (\$375.00) for the third and any subsequent offense.
- (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 or dwelling unit 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:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** This ordinance will be in full force and effect after adoption. If an application for registration is tendered on or before April 1, 2019, by a property owner renting unregistered dwelling units, including accessory dwelling units/coach houses and condominiums, no fine will be assessed.

**SECTION 5:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.



Introduced: November 12, 2018

Approved:

Adopted: November 19, 2018

December 7, 2018

*Stephen H. Hagerty*  
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

*Michelle L. Masoncup*  
Michelle L. Masoncup  
Corporation Counsel