Rental Unit Licensing Committee
Thursday, April 19, 2012, 7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2404

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MARCH 22, 2012 MEETING MINUTES

3. CITIZEN COMMENT

STAFF REPORTS

A. Bed Bugs Update
B. HUD Inspection Checklist
C. Nuisance Ordinance
D. Proposed Rental Licensing Ordinance Amendments (based on March 22 meeting discussion)

4. NEW BUSINESS

5. ADJOURNMENT
MEETING MINUTES
RENTAL UNIT LICENSING COMMITTEE
Thursday, March 22, 2012
7:00pm
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2402

Members Present: Albert Bowen, Richard Buchanan, Jane Evans, Barbara Janes, Lisa Pildes, James R. Schermerhorn, Alderman Judy Fiske, Alderman Donald Wilson, Jared Cogan (NU Student Representative)

Members Absent: Paul Arntson, Dana Carroll, Steven Monacelli, Pat Phillips, Niabi Schmaltz, Alderman Jane Grover

Staff Present: Steve Griffin, Shanee Weston, Jeff Murphy

Presiding Member: Mayor Elizabeth Tisdahl

DECLARATION OF QUORUM
With a quorum present, Mayor Elizabeth Tisdahl called the meeting to order at 7:04pm.

INTRODUCTION
Mayor Tisdahl began the first committee meeting with an introduction requesting members to introduce themselves to the group. She followed introductions with the reading of the charge for the committee for the record, which is the following: to ensure that the focus of the proposed program is based on life safety and basic housing standards for the occupants of the property; to ensure that the licensing program will be implemented with the goal of compliance and not punishment, if inspections reveal life safety or basic housing standard violations of rental dwelling units; to ensure the incorporation of best practices discovered by review of other municipalities and similar national communities; and to ensure that the proposed ordinance balances the needs of all concerned parties. Mayor Tisdahl asked the committee to note that the charge does not relate to the three (3) unrelated law.

STAFF REPORTS
Mr. Griffin reviewed and discussed with the committee the existing registration rental buildings ordinance and compared it to the new proposed ordinance for licensing rental dwelling units

Ms. Evans commented that the ordinance should indicate that landlords must notify the tenant of violations, adding this amendment would bring forth buy-in.

Alderman Wilson requested staff to work on a graduated fee scale for the license fee. He suggested that maybe the inspectors should inspect some of the units, and then the City “may” or has the option to inspect all units. This would reduce the burdens expressed, but keep the goal. He further recommended that staff take out the word...
“shall” and “all buildings…” The Mayor seconded that request, and added she would feel better with 20% of units expected than just one on every floor inspected.

Mr. Bowen explained that the change with the Section 8 inspection process duplicates efforts. Mr. Griffin will bring the Section 8 inspection process back to the committee.

Committee members inquired if the denial of transfer stamps was considered by the Corporation Council. Also, the committee felt as though the notice provision stating 3 business days in section 5-8-8(B) may not be enough days of notice. Mr. Griffin assured the committee that staff will look into this.

Ms. Janes proposed that the committee consider police calls for the ordinance. Alderman Wilson questioned “how do you tie in nuisance premise?” Ms. Weston explained Crime-Free Programs adopted by many municipalities and how it has been tied in with the licensing process and ordinance. Mr. Griffin provided Schaumburg as an example, and stated that staff will bring back further research on Crime-Free Programs of other municipalities. Mr. Griffin will also provide the committee with a copy of the City’s nuisance ordinance.

Alderman Wilson informed the committee that he is currently working with others on the current amended ordinance relating to the three (3) unrelated ordinance, for Zoning, and welcomes suggestions. He emphasized to the committee that “we have to be careful to separate the three unrelated issue, this is about safety of units or property maintenance.”

There was a consensus by the committee that the reference to “6 months” for revocation regarding the over occupancy ordinance in section 5-8-8(E) and how it should be removed from the ordinance.

Alderman Fiske recommended that the requirement of floor plan submissions be enforced. She also recommended that if there is a four (4) bedroom unit, then 4 people should be allowed to reside in unit.

Mr. Griffin informed the committee that Property Maintenance Inspectors will focus on cases with open violations and that inspections will occur for the first year on these non-compliance properties.

Mr. Griffin assured the committee that staff will provide an analysis on bed bugs for the next meeting.

Staff informed the committee that if a property is dangerous the City will inspect according to section 5-8-5(B) of the City Code. Mr. Griffin stressed that “this is about safety”. Overcrowding is still looked at, Mr. Griffin added, and “we will always recommend to go, inspect, and to make sure the darn thing is safe”. Ms. Janes asked for staff to provide the process of determining a dangerous property. She stated “we may need to look at permits and to look at what is being determined in the field.”

**NEW BUSINESS**

Committee agreed that the next meeting date will be April 19, 2012.

**ADJOURNMENT**

The meeting adjourned at 8:52pm, on March 22, 2012.
Respectfully Submitted,
Shanee Weston
Management Analyst, Community & Economic Development
Bed Bugs Update from City of Evanston Environmental Health Division

The Health Department has been receiving an increasing amount of phone calls regarding Bed Bugs. The Environmental Health staff can provide consultation for home owners and will perform onsite inspections to provide residents with information on treatment as well as avoiding Bed Bugs. Please call 311 for more information.

Public Information is provided to residents on the City’s website, under Pest Control, including fact sheets about Bed Bugs.

Property Owners and/or Managers are responsible for the managing of bed bugs in renter occupied dwelling units.
**Inspection Form**

**Housing Choice Voucher Program**

**U.S. Department of Housing and Urban Development**

**Office of Public and Indian Housing**

Public reporting burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

**Privacy Act Statement.** The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of the name and address of both the family and the owner is mandatory. The information is used to determine if a unit meets the housing quality standards of the section 8 rental assistance program. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family participation.

Assurances of confidentiality are not provided under this collection.

This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to determine if a unit meets the housing quality standards of the section 8 rental assistance program.

<table>
<thead>
<tr>
<th>PHA</th>
<th>Tenant ID Number</th>
<th>Date of Request (mm/dd/yyyy)</th>
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<tbody>
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<tr>
<th>Inspector</th>
<th>Date Last Inspection (mm/dd/yyyy)</th>
<th>Date of Inspection (mm/dd/yyyy)</th>
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<tr>
<th>Neighborhood/Census Tract</th>
<th>Type of Inspection</th>
<th>Project Number</th>
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<tr>
<td></td>
<td>Initial</td>
<td>Special</td>
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</table>

**A. General Information**

- **Street**
- **Address of Inspected Unit**

<table>
<thead>
<tr>
<th>City</th>
<th>County</th>
<th>State</th>
<th>Zip</th>
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<thead>
<tr>
<th>Name of Family</th>
<th>Current Telephone of Family</th>
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<table>
<thead>
<tr>
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</table>

**Address of Owner or Agent**

<table>
<thead>
<tr>
<th>Name of Owner or Agent Authorized to Lease Unit Inspected</th>
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<th>Number of Children in Family Under 6</th>
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<tr>
<th>Telephone of Owner or Agent</th>
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</table>
B. Summary Decision on the Unit
(to be completed after the form has been filled in)

Housing Quality Standard Pass or Fail

1. Fail If there are any checks under the column headed “Fail” the unit fails the minimum housing quality standards. Discuss with the owner the repairs noted that would be necessary to bring the unit up to the standard.

2. Inconclusive If there are no checks under the column headed “Fail” and there are checks under the column headed “Inconclusive,” obtain additional information necessary for a decision (question owner or tenant as indicated in the item instructions given in this checklist). Once additional information is obtained, change the rating for the item and record the date of verification at the far right of the form.

3. Pass If neither (1) nor (2) above is checked, the unit passes the minimum housing quality standards. Any additional conditions described in the right hand column of the form should serve to (a) establish the precondition of the unit, (b) indicate possible additional areas to negotiate with the owner, (c) aid in assessing the reasonableness of the rent of the unit, and (d) aid the tenant in deciding among possible units to be rented. The tenant is responsible for deciding whether he or she finds these conditions acceptable.

Unit Size: Count the number of bedrooms for purposes of the FMR or Payment Standard. Record in the box provided.

Year Constructed: Enter from Line 5 of the Request for Tenancy Approval form. Record in the box provided.

Number of Sleeping Rooms: Count the number of rooms which could be used for sleeping, as identified on the checklist. Record in the box provided.

C. How to Fill Out This Checklist
Complete the checklist on the unit to be occupied (or currently occupied) by the tenant. Proceed through the inspection as follows:

Area by room

1. Living Room
2. Kitchen
3. Bathroom
4. All Other Rooms Used for Living
5. All Secondary Rooms Not Used for Living

Area by room

6. Heating & Plumbing
7. Building Exterior
8. General Health & Safety

Each part of the checklist will be accompanied by an explanation of the item to be inspected.

Important: For each item numbered on the checklist, check one box only (e.g., check one box only for item 1.4 "Security in the Living Room.

In the space to the right of the description of the item, if the decision on the item is: “Fail” write what repairs are necessary; If “Inconclusive” write in details. Also, if “Pass” but there are some conditions present that need to be brought to the attention of the owner or the tenant, write these in the space to the right.

If it is an annual inspection, record to the right of the form any repairs made since the last inspection. If possible, record reason for repair (e.g., ordinary maintenance, tenant damage).

If it is a complaint inspection, fill out only those checklist items for which complaint is lodged. Determine, if possible, tenant or owner cause. Once the checklist has been completed, return to Part B (Summary Decision on the Unit).

1. Living Room

1.1 Living Room Present

Note: If the unit is an efficiency apartment, consider the living room present.

1.2 Electricity

In order to qualify, the outlets must be present and properly installed in the baseboard, wall or floor of the room. Do not count a single duplex receptacle as two outlets, i.e., there must be two of these in the room, or one of these plus a permanently installed ceiling or wall light fixture.

Both the outlets and/or the light must be working. Usually, a room will have sufficient lights or electrical appliances plugged into outlets to determine workability. Be sure light fixture does not fail just because the bulb is burned out.

Do not count any of the following items or fixtures as outlets/fixtures: Table or floor lamps (these are not permanent light fixtures); ceiling lamps plugged into socket; extension cords.

If the electric service to the unit has been temporarily turned off check “Inconclusive.” Contact owner or manager after inspection to verify that electricity functions properly when service is turned on. Record this information on the checklist.

1.3 Electrical Hazards

Examples of what this means: broken wiring; non-insulated wiring; frayed wiring; improper types of wiring, connections or insulation; wires lying in or located near standing water or other unsafe places; light fixture hanging from electric wiring without other firm support or fixture; missing cover plates on switches or outlets; badly cracked outlets; exposed fuse box connections; overloaded circuits evidenced by frequently “blown” fuses (ask the tenant).

Check “Inconclusive” if you are uncertain about severity of the problem and seek expert advice.

1.4 Security

“Accessible to outside” means: doors open to the outside or to a common public hall; windows accessible from the outside (e.g. basement and first floor); windows or doors leading onto a fire escape, porch or other outside place that can be reached from the ground.

“Lockable” means: the window or door has a properly working lock, or is nailed shut, or the window is not designed to be opened. A storm window lock that is working properly is acceptable. Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.

1.5 Window Condition

Rate the windows in the room (including windows in doors).

“Severe deterioration” means that the window no longer has the capacity to keep out the wind and the rain or is a cutting hazard. Examples are: missing or broken-out panes; dangerously loose cracked panes; windows that will not close; windows that, when closed, do not form a reasonably tight seal.

If more than one window in the room is in this condition, give details in the space provided on the right of the form.

If there is only “moderate deterioration” of the windows the item should “Pass.” “Moderate deterioration” means windows which are reasonably weather-light, but show evidence of some aging, abuse, or lack of repair. Signs of deterioration are: minor crack in window pane; splintered sill; signs of some minor rottin in the window frame or the window itself; window panes loose because of missing window putty. Also for deteriorated and peeling paint see 1.9. If more than one window is in this condition, give details in the space provided on the right of the form.
1.6 Ceiling Condition

“Unsound or hazardous” means the presence of such serious defects that either a potential exists for structural collapse or that large cracks or holes allow significant drafts to enter the unit. The condition includes: severe bulging or buckling; large holes; missing parts; falling or in danger of falling loose surface materials (other than paper or paint).

Pass ceilings that are basically sound but have some nonhazardous defects, including: small holes or cracks; missing or broken ceiling tiles; water stains; soiled surfaces; unpainted surfaces; peeling paint (for peeling paint see item 1.9).

1.7 Wall Condition

“Unsound or hazardous” includes: serious defects such that the structural safety of the building is threatened, such as severe buckling, bulging or leaning; damaged or loose structural members; large holes; air infiltration.

Pass walls that are basically sound but have some nonhazardous defects, including: small or shallow holes; cracks; loose or missing parts; unpainted surfaces; peeling paint (for peeling paint see item 1.9).

1.8 Floor Condition

“Unsound or hazardous” means the presence of such serious defects that a potential exists for structural collapse or other threats to safety (e.g., st ripping) or large cracks or holes allow substantial drafts from below the floor. The condition includes: severe buckling or major movements under walking stress; damaged or missing parts.

Pass floors that are basically sound but have some nonhazardous defects, including: heavily worn or damaged floor surface (for example, scratches or gouges in surface, missing portions of tile or linoleum, previous water damage). If there is a floor covering, also note the condition, especially if badly worn or soiled. If there is a floor covering, including paint or sealant, also note the conditions, especially if badly worn, soiled or peeling (for peeling paint, see 1.9).

1.9 Lead-Based Paint

Housing Choice Voucher Units If the unit was built January 1, 1978, or after, no child under age six will occupy or currently occupies it, is a 0-BR, elderly or handicapped unit with no children under age six on the lease or expected, has been certified lead-based paint free by a certified lead-based paint inspector (no lead-based paint present or no lead-based paint present after removal of lead-based paint), check NA and do not inspect painted surfaces.

This requirement applies to all painted surfaces (building components) within the unit. (Do not include tenant belongings). Surfaces to receive a visual assessment for deteriorated paint include walls, floors, ceilings, built in cabinets (sink bases), baseboards, doors, door frames, windows systems including mullions, sills, or frames and any other painted building component within the unit. Deteriorated paint includes any painted surface that is peeling, chipping, chalking, cracking, damaged or otherwise separated from the substrate.

All deteriorated paint surfaces more than 2 sq. ft. in any one interior room or space, or more than 10% of the total surface area of an interior type of component with a small surface area (i.e., window sills, baseboards, and trim) must be stabilized (corrected) in accordance with all safe work practice requirements and clearance is required. If the deteriorated painted surface is less than 2 sq. ft. or less than 10% of the component, only stabilization is required. Clearance testing is not required. Stabilization means removal of deteriorated paint, repair of the substrate, and application of a new protective coating or paint. Lead-Based Paint Owner Certification is required following stabilization activities, except for de minimis level repairs.
## 1. Living Room

For each numbered item, check one box only.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Decision</th>
<th>If Fail, what repairs are necessary?</th>
<th>If Inconclusive, give details.</th>
<th>If Pass with comments, give details.</th>
<th>If Fail or Inconclusive, date (mm/dd/yyyy) of final approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Living Room Present</td>
<td>Is there a living room?</td>
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<tr>
<td>1.2 Electricity</td>
<td>Are there at least two working outlets or one working outlet and one working light fixture?</td>
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<tr>
<td>1.3 Electrical Hazards</td>
<td>Is the room free from electrical hazards?</td>
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<td>1.4 Security</td>
<td>Are all windows and doors that are accessible from the outside lockable?</td>
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<tr>
<td>1.5 Window Condition</td>
<td>Is there at least one window, and are all windows free of signs of severe deterioration or missing or broken out panes?</td>
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<tr>
<td>1.6 Ceiling Condition</td>
<td>Is the ceiling sound and free from hazardous defects?</td>
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<tr>
<td>1.7 Wall Condition</td>
<td>Are the walls sound and free from hazardous defects?</td>
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<tr>
<td>1.8 Floor Condition</td>
<td>Is the floor sound and free from hazardous defects?</td>
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<tr>
<td>1.9 Lead-Based Paint</td>
<td>Are all painted surfaces free of deteriorated paint?</td>
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<td>If no, does deteriorated surfaces exceed two square feet and/or more than 10% of a component?</td>
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<td>Not Applicable</td>
<td></td>
</tr>
</tbody>
</table>

Additional Comments: (Give Item Number)

Comments continued on a separate page

Yes ☐ No ☐

Previous editions are obsolete

Page 4 of 19

ref Handbook 7420.8 form HUD-52580-A (900)
2. Kitchen

2.1 Kitchen Area Present

Note: A kitchen is an area used for preparation of meals. It may be either a separate room or an area of a larger room (for example, a kitchen area in an efficiency apartment).

2.2 - 2.9 Explanation for these items is the same as that provided for "Living Room" with the following modifications:

2.2 Electricity

Note: The requirement is that at least one outlet and one permanent light fixture are present and working.

2.5 Window Condition

Note: The absence of a window does not fail this item in the kitchen. If there is no window, check "Pass."

2.10 Stove or Range with Oven

Both an oven and a stove (or range) with top burners must be present and working. If either is missing and you know that the owner is responsible for supplying these appliances, check "Fail." Put check in "Inconclusive" column if the tenant is responsible for supplying the appliances and he or she has not yet moved in. Contact tenant or prospective tenant to gain verification that facility will be supplied and is in working condition. Hot plates are not acceptable substitutes for these facilities.

An oven is not working if it will not heat up. To be working a stove or range must have all burners working and knobs to turn them off and on. Under "working condition," also look for hazardous gas hook-ups evidenced by strong gas smells; these should fail. Be sure that this condition is not confused with an unlit pilot light - a condition that should be noted, but does not fail.

If both an oven and a stove or range are present, but the gas or electricity are turned off, check "Inconclusive." Contact owner or manager to get verification that facility works when gas is turned on. If both an oven and a stove or range are present and working, but defects exist, check "Pass" and note these to the right of the form. Possible defects are marked, dented, or scratched surfaces; cracked burner ring; limited size relative to family needs.

A microwave oven may be substituted for a tenant-supplied oven and stove (or range).

A microwave oven may be substituted for an owner-supplied oven and stove (or range) if the tenant agrees and microwave ovens are furnished instead of ovens and stoves (or ranges) to both subsidized and unsubsidized tenants in the building or premises.

2.11 Refrigerator

If no refrigerator is present, use the same criteria for marking either "Fail" or "Inconclusive" as were used for the oven and stove or range.

A refrigerator is not working if it will not maintain a temperature low enough to keep food from spoiling over a reasonable period of time. If the electricity is turned off, mark "Inconclusive." Contact owner (or tenant if unit is occupied) to get verification of working condition. If the refrigerator is present and working but defects exist, note these to the right of the form. Possible minor defects include: broken or missing interior shelving; dented or scratched interior or exterior surfaces; minor deterioration of door seal; loose door handle.

2.12 Sink

If a permanently attached kitchen sink is not present in the kitchen or kitchen area, mark "Fail." A sink in a bathroom or a portable basin will not satisfy this requirement. A sink is not working unless it has running hot and cold water from the faucets and a properly connected and properly working drain (with a "gas trap"). In a vacant apartment, the hot water may have been turned off and there will be no hot water. Mark this "Inconclusive." Check with owner or manager to verify that hot water is available when service is turned on.

If a working sink has defects, note this to the right of the item. Possible minor defects include: dripping faucet; marked, dented, or scratched surface; slow drain; missing or broken drain stopper.

2.13 Space for Storage, Preparation, and Serving of Food

Some space must be available for the storage, preparation, and serving of food. If there is no built-in space for food storage and preparation, a table used for food preparation and a portable storage cabinet will satisfy the requirement. If there is no built-in space, and no room for a table and portable cabinet, check "Inconclusive" and discuss with the tenant. The tenant makes the final determination as to whether or not this space is acceptable.

If there are some minor defects, check "Pass" and make notes to the right. Possible defects include: marked, dented, or scratched surfaces; broken shelving or cabinet doors; broken drawers or cabinet hardware; limited size relative to family needs.
### 2. Kitchen

For each numbered item, check one box only.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Decision</th>
<th>If Fail, what repairs are necessary?</th>
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<tbody>
<tr>
<td>21</td>
<td>Kitchen Area Present Is there a kitchen?</td>
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</tr>
<tr>
<td>2.2</td>
<td>Electricity Are there at least one working outlet and one working, permanently installed light fixture?</td>
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<td>2.3</td>
<td>Electrical Hazards Is the kitchen free from electrical hazards?</td>
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<tr>
<td>2.4</td>
<td>Security Are all windows and doors that are accessible from the outside lockable?</td>
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<tr>
<td>25</td>
<td>Window Condition Are all windows free of signs of deterioration or missing or broken out panes?</td>
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</tr>
<tr>
<td>2.6</td>
<td>Ceiling Condition Is the ceiling sound and free from hazardous defects?</td>
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</tr>
<tr>
<td>27</td>
<td>Wall Condition Are the walls sound and free from hazardous defects?</td>
<td></td>
<td></td>
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<tr>
<td>2.8</td>
<td>Floor Condition Is the floor sound and free from hazardous defects?</td>
<td></td>
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<tr>
<td>2.9</td>
<td>Lead-Based Paint Are all painted surfaces free of deteriorated paint?</td>
<td></td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.10</td>
<td>Stove or Range with Oven Is there a working oven, and a stove (or range) with top burners that work?</td>
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</tr>
<tr>
<td>211</td>
<td>Refrigerator Is there a refrigerator that works and maintains a temperature low enough so that food does not spoil over a reasonable period of time?</td>
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</tr>
<tr>
<td>2.12</td>
<td>Sink Is there a kitchen sink that works with hot and cold running water?</td>
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<tr>
<td>2.13</td>
<td>Space for Storage, Preparation, and Serving of Food Is there space to store, prepare, and serve food?</td>
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</tbody>
</table>

Additional Comments: (Give Item Number) (Use an additional page if necessary)
3. Bathroom

3.1 Bathroom Present

Most units have easily identifiable bathrooms (i.e., a separate room with toilet, washbasin and tub or shower). In some cases, however, you will encounter units with scattered bathroom facilities (i.e., toilet, washbasin and tub or shower located in separate parts of the unit). At a minimum, there must be an enclosure around the toilet. In this case, count the enclosure around the toilet as the bathroom and proceed with 3.2-3.9 below, with respect to this enclosure. If there is more than one bathroom that is normally used, rate the one that is in best condition for Part 3. If there is a second bathroom that is also used, complete Part 4 of the checklist for this room. (See Inspection Manual for additional notes on rating the second bathroom.)

3.2 - 3.9 Explanation for these items is the same as that provided for “Living Room” with the following modifications:

3.2 Electricity

Note: The requirement is that at least one permanent light fixture is present and working

3.3 Electrical Hazards

Note: In addition to the previously mentioned hazards, outlets that are located where water might splash or collect are considered an electrical hazard.

3.5 Window Condition

Note: The absence of a window does not fail this item in the bathroom (see item 3.13, Ventilation, for relevance of window with respect to ventilation). If there is no window, but a working vent system is present, check “Pass.”

3.7 Wall Condition

Note: Include under nonhazardous defects (that would pass, but should be noted) the following: broken or loose tile; deteriorated grouting at tub/wall and tub/floor joints, or tiled surfaces; water stains.

3.8 Floor Condition

Note: Include under nonhazardous defects (that would pass, but should be noted) the following: missing floor tiles; water stains.

3.10 Flush Toilet in Enclosed Room in Unit

The toilet must be contained within the unit, be in proper operating condition, and be available for the exclusive use of the occupants of the unit (i.e., outhouses or facilities shared by occupants of other units are not acceptable). It must allow for privacy.

Not working means: the toilet is not connected to a water supply; it is not connected to a sewer drain; it is clogged; it does not have a trap; the connections, vents or traps are faulty to the extent that severe leakage of water or escape of sewer gases occurs; the flushing mechanism does not function properly. If the water to the unit has been turned off, check "Inconclusive." Obtain verification from owner or manager that the system is in working condition.

Comment to the right of the form if the toilet is present, exclusive, and working, but has the following types of defects: constant running; chipped or broken porcelain; slow draining.

If drain blockage is more serious and occurs further in the sewer line, causing backup, check item 7.6, "Fail," under the plumbing and heating part of the checklist. A sign of serious sewer blockage is the presence of numerous backed-up drains.

3.11 Fixed Wash Basin or Lavatory in Unit

The wash basin must be permanently installed (i.e., a portable wash basin does not satisfy the requirement). Also, a kitchen sink used to pass the requirements under Part 2 of the checklist (kitchen facilities) cannot also serve as the bathroom wash basin. The wash basin may be located separate from the other bathroom facilities (e.g., in a hallway).

Not working means: the wash basin is not connected to a system that will deliver hot and cold running water; it is not connected to a properly operating drain; the connectors (or vents or traps) are faulty to the extent that severe leakage of water or escape of sewer gases occurs. If the water to the unit or the hot water unit has been turned off, check "Inconclusive." Obtain verification from owner or manager that the system is in working condition.

Comment to the right of the form if the wash basin is present and working, but has the following types of minor defects: insufficient water pressure; dripping faucets; minor leaks; cracked or chipped porcelain; slow drain (see discussion above under 3.10).

3.12 Tub or Shower in Unit

Not present means that neither a tub nor shower is present in the unit. Again, these facilities need not be in the same room with the rest of the bathroom facilities. They must, however, be private.

Not working covers the same requirements detailed above for wash basin (3.11). Comment to the right of the form if the tub or shower is present and working, but has the following types of defects: dripping faucet; minor leaks; cracked porcelain; slow drain (see discussion under 3.10); absent or broken support rod for shower curtain.

3.13 Ventilation

Working vent systems include: ventilation shafts (non-mechanical vents) and electric fans. Electric vent fans must function when switch is turned on. (Make sure that any malfunctions are not due to the fan not being plugged in.) If electric current to the unit has not been turned on (and there is no operable window), check “Inconclusive.” Obtain verification from owner or manager that system works. Note: exhaust vents must be vented to the outside, attic, or crawlspace.
### 3. Bathroom

For each numbered item, check one box only.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Decision</th>
<th>If Fail, what repairs are necessary?</th>
<th>If Inconclusive, give details.</th>
<th>If Pass with comments, give details.</th>
<th>If Fail or Inconclusive, date (mm/dd/yyyy) of final approval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes, Pass</td>
<td>No, Fail</td>
<td>Inconclusive</td>
<td>Inconclusive</td>
<td>Inconclusive</td>
</tr>
<tr>
<td>3.1</td>
<td><strong>Bathroom Present</strong> (See description)</td>
<td>Is there a bathroom?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.2</td>
<td><strong>Electricity</strong></td>
<td>Is there at least one permanently installed light fixture?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.3</td>
<td><strong>Electrical Hazards</strong></td>
<td>Is the bathroom free from electrical hazards?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.4</td>
<td><strong>Security</strong></td>
<td>Are all windows and doors that are accessible from the outside lockable?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.5</td>
<td><strong>Window Condition</strong></td>
<td>Are all windows free of signs of deterioration or missing or broken out panes?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.6</td>
<td><strong>Ceiling Condition</strong></td>
<td>Is the ceiling sound and free from hazardous defects?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.7</td>
<td><strong>Wall Condition</strong></td>
<td>Are the walls sound and free from hazardous defects?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.8</td>
<td><strong>Floor Condition</strong></td>
<td>Is the floor sound and free from hazardous defects?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.9</td>
<td><strong>Lead-Based Paint</strong></td>
<td>Are all painted surfaces free of deteriorated paint?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>If no, does deteriorated surfaces exceed two square feet and/or more than 10% of a component?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.10</td>
<td><strong>Flush Toilet in Enclosed Room in Unit</strong></td>
<td>Is there a working toilet in the unit for the exclusive private use of the tenant?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.11</td>
<td><strong>Fixed Wash Basin or Lavatory in Unit</strong></td>
<td>Is there a working, permanently installed wash basin with hot and cold running water in the unit?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.12</td>
<td><strong>Tub or Shower</strong></td>
<td>Is there a working tub or shower with hot and cold running water in the unit?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.13</td>
<td><strong>Ventilation</strong></td>
<td>Are there operable windows or a working vent system?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Additional Comments:** (Give Item Number)(Use an additional page if necessary)

Comments continued on a separate page Yes [ ] No [ ]
4. Other Room Used for Living and Halls

Complete an “Other Room” checklist for as many other rooms used for living” as are present in the unit and not already noted in Parts I, 2, and 3 of the checklist. See the discussion below for definition of “used for living.” Also complete an “Other Room” checklist for all entrance halls, corridors, and staircases that are located within the unit and are part of the area used for living. If a hall, entry and/or stairway are contiguous, rate them as a whole (i.e., as part of one space). Additional forms for rating “Other Rooms” are provided in the check-list.

Definition of “used for living.” Rooms “used for living” are areas of the unit that are walked through or lived in on a regular basis. Do not include rooms or other areas that have been permanently, or near permanently, closed off or areas that are infrequently entered. For example, do not include a utility room, attached shed, attached closed-in porch, basement, or garage if they are closed off from the main living area or are infrequently entered. Do include any of these areas if they are frequently used (e.g., a finished basement/play-room, a closed-in porch that is used as a bedroom during summer months). Occasional use of a washer or dryer in an otherwise unused room does not constitute regular use.

If the unit is vacant and you do not know the eventual use of a particular room, complete an “Other Room” checklist if there is any chance that the room will be used on a regular basis. If there is no chance that the room will be used on a regular basis, do not include it (e.g., an unfinished basement) since it will be checked under Part 5, All Secondary Rooms (Rooms not used for living).

4.1 Room Code and Room Location

Enter the appropriate room code given below:

Room Codes:
1 = Bedroom or any other room used for sleeping (regardless of type of room)
2 = Dining Room or Dining Area
3 = Second Living Room, Family Room, Den, Playroom, TV Room
4 = Entrance Halls, Corridors, Halls, Staircases
5 = Additional Bathroom (also check presence of sink trap and clogged toilet)
6 = Other

Room Location: Write on the line provided the location of the room with respect to the unit’s width, length and floor level as if you were standing outside the unit facing the entrance to the unit:

right/left/center: record whether the room is situated to the right, left, or center of the unit.

front/rear/center: record whether the room is situated to the back, front or center of the unit.

floor level: identify the floor level on which the room is located.

If the unit is vacant, you may have some difficulty predicting the eventual use of a room. Before giving any room a code of 1 (bedroom), the room must meet all of the requirements for a “room used for sleeping” (see items 4. 2 and 4.5).

4.2 - 4.9 Explanations of these items are the same as those provided for “Living Room” with the following modifications:

4.2 Electricity/Illumination

If the room code is not a “1,” the room must have a means of natural or artificial illumination such as a permanent light fixture, wall outlet present, or light from a window in the room or near the room. If any required item is missing, check “Fail.” If the electricity is turned off, check “Inconclusive.”

4.5 Window Condition

Any room used for sleeping must have at least one window. If the windows in sleeping rooms are designed to be opened, at least one window must be operable. The minimum standards do not require a window in “other rooms.” Therefore, if there is no window in another room not used for sleeping, check “Pass,” and note “no window” in the area for comments.

4.6 Smoke Detectors

At least one battery-operated or hard-wired smoke detector must be present and working on each level of the unit, including the basement, but not the crawl spaces and unfinished attic.

Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards).

If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

If the unit was under HAP contract prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors in compliance with HUD’s smoke detector requirements, including the regulations published on July 30, 1992 (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit). In this case, check “Pass” and note under comments.

Additional Notes

For staircases, the adequacy of light and condition of the stair rails and railings is covered under Part 8 of the checklist (General Health and Safety)

Additional forms for rating “Other Rooms” are provided in the check-list.
### 4. Other Rooms Used for Living and Halls

**For each numbered item, check one box only.**

#### 4.1 Room Location

<table>
<thead>
<tr>
<th>Room Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bedroom or Any Other Room Used for Sleeping (regardless of type of room)</td>
</tr>
<tr>
<td>2</td>
<td>Dining Room or Dining Area</td>
</tr>
<tr>
<td>3</td>
<td>Second Living Room, Family Room, Den, Playroom, TV Room</td>
</tr>
<tr>
<td>4</td>
<td>Entrance Halls, Corridors, Halls, Staircases</td>
</tr>
<tr>
<td>5</td>
<td>Additional Bathroom (also check presence of sink trap and clogged toilet)</td>
</tr>
<tr>
<td>6</td>
<td>Other:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Decision</th>
<th>If Fail, what repairs are necessary?</th>
<th>If Inconclusive, give details.</th>
<th>If Pass with comments, give details.</th>
<th>If Fail or Inconclusive, date (mm/dd/yyyy) of final approval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes, Pass</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 4.2 Electricity/Illumination

If Room Code is a 1, are there at least two working outlets or one working outlet and one working, permanently installed light fixture?

If Room Code is not a 1, is there a means of illumination?

#### 4.3 Electrical Hazards

Is the room free from electrical hazards?

#### 4.4 Security

Are all windows and doors that are accessible from the outside lockable?

#### 4.5 Window Condition

If Room Code is a 1, is there at least one window?

And, regardless of Room Code, are all windows free of signs of severe deterioration or missing or broken-out panes?

#### 4.6 Ceiling Condition

Is the ceiling sound and free from hazardous defects?

#### 4.7 Wall Condition

Are the walls sound and free from hazardous defects?

#### 4.8 Floor Condition

Is the floor sound and free from hazardous defects?

#### 4.9 Lead-Based Paint

Are all painted surfaces free of deteriorated paint?

If no, does deteriorated surfaces exceed two square feet and/or more than 10% of a component?

#### 4.10 Smoke Detectors

Is there a working smoke detector on each level?

Do the smoke detectors meet the requirements of NFPA 74?

In units occupied by the hearing impaired, is there an alarm system connected to the smoke detector?

**Additional Comments:** (Give Item Number) (Use an additional page if necessary)
### 4. Supplemental for Other Rooms Used for Living and Halls

For each numbered item, check one box only.

#### 4.1 Room Location

<table>
<thead>
<tr>
<th>Room Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>______</td>
<td>right/left/center: the room is situated to the right, left, or center of the unit.</td>
</tr>
<tr>
<td>______</td>
<td>front/rear/center: the room is situated to the back, front or center of the unit.</td>
</tr>
<tr>
<td>______</td>
<td>floor level: the floor level on which the room is located.</td>
</tr>
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</tr>
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</tr>
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<td>5</td>
<td>Additional Bathroom (also check presence of sink trap and clogged toilet)</td>
</tr>
<tr>
<td>6</td>
<td>Other:</td>
</tr>
</tbody>
</table>

#### 4.2 Electricity/Illumination

If Room Code is a 1, are there at least two working outlets or one working outlet and one working, permanently installed light fixture?

If Room Code is not a 1, is there a means of illumination?

#### 4.3 Electrical Hazards

Is the room free from electrical hazards?

#### 4.4 Security

Are all windows and doors that are accessible from the outside lockable?

#### 4.5 Window Condition

If Room Code is a 1, is there at least one window?

And, regardless of Room Code, are all windows free of signs of severe deterioration or missing or broken-out panes?

#### 4.6 Ceiling Condition

Is the ceiling sound and free from hazardous defects?

#### 4.7 Wall Condition

Are the walls sound and free from hazardous defects?

#### 4.8 Floor Condition

Is the floor sound and free from hazardous defects?

#### 4.9 Lead-Based Paint

Are all painted surfaces free of deteriorated paint?

If no, does deteriorated surfaces exceed two square feet and/or more than 10% of a component?

________ Not Applicable

#### 4.10 Smoke Detectors

Is there a working smoke detector on each level?

Do the smoke detectors meet the requirements of NFPA 74?

In units occupied by the hearing impaired, is there an alarm system connected to the smoke detector?

### Additional Comments: (Give Item Number)(Use an additional page if necessary)

Comments continued on a separate page Yes [ ] No [ ]
### 4. Supplemental for Other Rooms Used for Living and Halls

For each numbered item, check one box only.

#### 4.1 Room Location

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<tr>
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<td>Additional Bathroom (also check presence of sink trap and clogged toilet)</td>
</tr>
<tr>
<td>6</td>
<td>Other:</td>
</tr>
</tbody>
</table>

#### 4.2 Electricity/Illumination

If Room Code is a 1, are there at least two working outlets or one working outlet and one working, permanently installed light fixture?

<table>
<thead>
<tr>
<th>Decision</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>If Fail, what repairs are necessary?</td>
</tr>
<tr>
<td>No</td>
<td>If Inconclusive, give details.</td>
</tr>
<tr>
<td>Inconclusive</td>
<td>If Pass with comments, give details.</td>
</tr>
</tbody>
</table>

#### 4.3 Electrical Hazards

Is the room free from electrical hazards?

#### 4.4 Security

Are all windows and doors that are accessible from the outside lockable?

#### 4.5 Window Condition

If Room Code is a 1, is there at least one window? And, regardless of Room Code, are all windows free of signs of severe deterioration or missing or broken-out panes?

#### 4.6 Ceiling Condition

Is the ceiling sound and free from hazardous defects?

#### 4.7 Wall Condition

Are the walls sound and free from hazardous defects?

#### 4.8 Floor Condition

Is the floor sound and free from hazardous defects?

#### 4.9 Lead-Based Paint

Are all painted surfaces free of deteriorated paint? If no, does deteriorated surfaces exceed two square feet and/or more than 10% of a component?

<table>
<thead>
<tr>
<th>Decision</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td>If Fail, what repairs are necessary?</td>
</tr>
<tr>
<td>Inconclusive</td>
<td>If Inconclusive, give details.</td>
</tr>
<tr>
<td></td>
<td>If Pass with comments, give details.</td>
</tr>
</tbody>
</table>

#### 4.10 Smoke Detectors

Is there a working smoke detector on each level? Do the smoke detectors meet the requirements of NFPA 74?

In units occupied by the hearing impaired, is there an alarm system connected to the smoke detector?

Additional Comments: (Give Item Number)(Use an additional page if necessary)

Comments continued on a separate page Yes [ ]  No [ ]
### 4. Supplemental for Other Rooms Used for Living and Halls

For each numbered item, check one box only.

#### 4.1 Room Location Room Code: __________

- right/left:center: the room is situated to the right, left, or center of the unit.
- front/rear/center: the room is situated to the back, front or center of the unit.
- floor level: the floor level on which the room is located.

#### 4.2 Electricity/Illumination

If Room Code is a 1, are there at least two working outlets or one working outlet and one working, permanently installed light fixture?

If Room Code is not a 1, is there a means of illumination?

#### 4.3 Electrical Hazards

Is the room free from electrical hazards?

#### 4.4 Security

Are all windows and doors that are accessible from the outside lockable?

#### 4.5 Window Condition

If Room Code is a 1, is there at least one window? And, regardless of Room Code, are all windows free of signs of severe deterioration or missing or broken-out panes?

#### 4.6 Ceiling Condition

Is the ceiling sound and free from hazardous defects?

#### 4.7 Wall Condition

Are the walls sound and free from hazardous defects?

#### 4.8 Floor Condition

Is the floor sound and free from hazardous defects?

#### 4.9 Lead-Based Paint

Are all painted surfaces free of deteriorated paint? If no, does deteriorated surfaces exceed two square feet and/or more than 10% of a component?

_____ Not Applicable

#### 4.10 Smoke Detectors

Is there a working smoke detector on each level? Do the smoke detectors meet the requirements of NFPA 74?

In units occupied by the hearing impaired, is there an alarm system connected to the smoke detector?

---

Additional Comments: (Give Item Number)(Use an additional page if necessary)

---

Comments continued on a separate page Yes [ ]  No [ ]
5. All Secondary Rooms (Rooms not used for living)

5. Secondary Rooms (Rooms not used for living)

If any room in the unit did not meet the requirements for “other room used for living” in Part 4, it is to be considered a “secondary room (not used for living).” Rate all of these rooms together (i.e., a single Part 5 checklist for all secondary rooms in the unit).

Inspection is required of the following two items since hazardous defects under these items could jeopardize the rest of the unit, even if present in rooms not used for living: 5.2 Security, 5.3 Electrical Hazards. Also, be observant of any other potentially hazardous features in these rooms and record under 5.4

5.1 None

If there are no “Secondary Rooms (rooms not used for living),” check “None” and go on to Part 6.

5.2 - 5.4 Explanations of these items is the same as those provided for “Living Room”

Additional Note

In recording “other potentially hazardous features,” note ( in the space provided) the means of access to the room with the hazard and check the box under “Inconclusive.” Discuss the hazard with the HA inspection supervisor to determine “Pass” or “Fail.” Include defects like: large holes in floor, walls or ceilings; evidence of structural collapse; windows in condition of severe deterioration; and deteriorated paint surfaces.

6. Building Exterior

6.1 Condition of Foundation

“Unsound or hazardous” means foundations with severe structural defects indicating the potential for structural collapse; or foundations that allow significant entry of ground water (for example, evidenced by flooding of basement).

6.2 Condition of Stairs, Rails, and Porches

“Unsound or hazardous” means: stairs, porches, balconies, or decks with severe structural defects; broken, rotting, or missing steps; absence of a handrail when there are extended lengths of steps ( generally four or more consecutive steps); absence of or insecure railings around a porch or balcony which is approximately 30 inches or more above the ground.

6.3 Condition of Roof and Gutters

“Unsound and hazardous” means: The roof has serious defects such as serious buckling or sagging, indicating the potential of structural collapse; large holes or other defects that would result in significant air or water infiltration ( in most cases serious exterior defects will be reflected in equally serious surface defects within the unit, e.g., buckling, water damage). The gutters, downspouts and soffits ( area under eaves) shows serious decay and have allowed the entry of significant air or water into the interior of the structure. Gutters and downspouts are, however, not required to pass. If the roof is not observable and there is no sign of interior water damage, check “Pass.”

6.4 Condition of Exterior Surfaces

See definition above for roof, item 6.3.

6.5 Condition of Chimney

The chimney should not be seriously leaning or showing evidence of significant disintegration (i.e., many missing bricks).

6.6 Lead-Based Paint: Exterior Surfaces

Housing Choice Voucher Units
If the unit was built January 1, 1978 or after, no child under age six will occupy or currently occupies, is a 0-BR, elderly or handicapped unit with no children under age six on the lease or expected, has been certified lead-based paint free by a certified lead-based paint inspector (no lead-based present or no lead-based present after removal of lead), check NA and do not inspect painted surfaces. Visual assessment for deteriorated paint applies to all exterior painted surfaces (building components) associated with the assisted unit including windows, window sills, exterior walls, floors, porches, railings, doors, decks, stairs, play areas, garages, fences or other areas if frequented by children under age six.

All deteriorated paint surfaces more than 20 sq. ft. on exterior surfaces must be stabilized (corrected) in accordance with all safe work practice requirements. If the painted surface is less than 20 sq. ft., only stabilization is required. Clearance testing is not required. Stabilization means removal of deteriorated paint, repair of the substrate, and application of a new protective coating or paint. Lead-Based Paint Owner Certification is required following stabilization activities except for de minimis level repairs.

6.7 Manufactured Homes: Tie Downs

Manufactured homes must be placed on a site in a stable manner and be free from hazards such as sliding and wind damage. Manufactured homes must be securely anchored by a tie down device which distributes and transfers the loads imposed by the unit to appropriate ground anchors so as to resist wind overturning and sliding, unless a variation has been approved by the HUD Field Office.
## 5. All Secondary Rooms (Rooms not used for living)

For each numbered item, check one box only.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Decision</th>
<th>If Fail, what repairs are necessary?</th>
<th>If Inconclusive, give details.</th>
<th>If Pass with comments, give details.</th>
<th>If Fail or Inconclusive, date (mm/dd/yyyy) of final approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 None</td>
<td><strong>Go to Part 6</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2 Security</td>
<td>Are all windows and doors that are accessible from the outside lockable?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.3 Electrical Hazards</td>
<td>Are all these rooms free from electrical hazards?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.4 Other Potentially Hazardous Features</td>
<td>Are all of these rooms free of any other potentially hazardous features? For each room with an “other potentially hazardous feature,” explain the hazard and the means of control of interior access to the room.</td>
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</tbody>
</table>

## 6.0 Building Exterior

| 6.1 Condition of Foundation | Is the foundation sound and free from hazards? |          |                                     |                                 |                                      |                                                             |
| 6.2 Condition of Stairs, Rails, and Porches | Are all the exterior stairs, rails, and porches sound and free from hazards? |          |                                     |                                 |                                      |                                                             |
| 6.3 Condition of Roof and Gutters | Are the roof, gutters, and downspouts sound and free from hazards? |          |                                     |                                 |                                      |                                                             |
| 6.4 Condition of Exterior Surfaces | Are exterior surfaces sound and free from hazards? |          |                                     |                                 |                                      |                                                             |
| 6.5 Condition of Chimney | Is the chimney sound and free from hazards? |          |                                     |                                 |                                      |                                                             |
| 6.6 Lead-Based Paint: Exterior Surfaces | Are all painted surfaces free of deteriorated paint? If no, does deteriorated surfaces exceed 20 sq. ft. of total exterior surface area? |          |                                     |                                 |                                      |                                                             |
| 6.7 Manufactured Homes: Tie Downs | If the unit is a manufactured home, is it properly placed and tied down? If not a manufactured home, check “Not Applicable.” |          |                                     |                                 |                                      |                                                             |

**Additional Comments:** (Give Item Number)(Use an additional page if necessary)
7. Heating and Plumbing

7.1 Adequacy of Heating Equipment

"Adequate heat" means that the heating system is capable of delivering enough heat to assure a healthy environment in the unit (appropriate to the climate). The HA is responsible for defining what constitutes a healthy living environment in the area of the country in which it operates. Local codes (city or state codes) should be instructive in arriving at a reasonable local definition. For example, for heat adequacy, local codes often require that the unit's heating facility be capable of maintaining a given temperature level during a designated time period. Portable electric room heaters or kitchen stoves or ranges with a built-in heat unit are not acceptable as a primary source of heat for units located in areas where climate conditions require regular heating.

"Directly or indirectly to all rooms used for living" means:

- "Directly" means that each room used for living has a heat source (e.g., working radiator; working hot air register; baseboard heat)
- "Indirectly" means that, if there is no heat source present in the room, heat can enter the room easily from a heated adjacent room (e.g., a dining room may not have a radiator, but would receive heat from the heated living room through a large open archway).

If the heating system in the unit works, but there is some question whether a room without a heat source would receive adequate indirect heat, check "Inconclusive" and verify adequacy from tenant or owner (e.g., unheated bedroom at the end of a long hallway).

How to determine the capability of the heating system: If the unit is occupied, usually the quickest way to determine the capability of the heating system over time is to question the tenant. If the unit is not occupied, or the tenant has not lived in the unit during the months when heat would be needed, check "Inclusive." It will be necessary to question the owner on this point after the inspection has been completed and, if possible, to question other tenants (if it is a multiple-unit structure) about the adequacy of heat provided.

Under some circumstances, the adequacy of heat can be determined by a simple comparison of the size of the heating system to the area to be heated. For example, a small permanently installed space heater in a living room is probably inadequate for heating anything larger than a relatively small apartment.

7.2 Safety of Heating Equipment

Examples of "unvented fuel burning space heaters" are: portable kerosene units; ventilated open flame portable units.

"Other unsafe conditions" include: breakage or damage to heating system such that there is a potential for fire or other threats to safety; improper connection of flues allowing ex haust gases to enter the living areas; improper installation of equipment (e.g., proximity of fuel tank to heat source, absence of safety devices); indications of improper use of equipment (e.g., evidence of heavy build-up of soot, creosote, or other substance in the chimney); disintegrating equipment; combustible materials near heat source or flue. See Inspection Manual for a more detailed discussion of the fuel source of the heating system and the health system.

The unit check 'Inconclusive." Contact the owner or manager for verification of safety of the system. If the heating system has passed a recent local inspection, check 'Pass." This applies especially to units in which heat is provided by a large scale, complex central heating system that serves multiple units (e.g., houses in the basement of a large apartment building). In most cases, a large scale heating system for a multi-unit building will be the subject of periodic safety inspections by a local public agency. Check with the owner or manager to determine the date and outcome of the last such inspection, or look for an inspection certificate posted on the heating system.

7.3 Ventilation and Adequacy of Cooling

If the tenant is present and has occupied the unit during the summer months, inquire about the adequacy of air flow. If the tenant is not present or has not occupied the unit during the summer months, test a sample of windows to see that they open. Environment (e.g., a water heater included in the building). The "adequate ventilation system" includes: central (fan) ventilation system; evaporative cooling system; room or central air conditioning.

Check "Inconclusive" if there are no operable windows and it is impossible, or inappropriate, to test whether a cooling system works. Check with the tenant on this point after the inspection has been completed and, if possible, to question other tenants (if it is a multiple-unit structure) about the adequacy of ventilation and cooling.

7.4 Water Heater

"Location presents hazard" means that the gas or oil water heater is located in living areas or closets where safety hazards may exist (e.g., a gas heater located in a very cluttered closet with cloth and paper items stacked against it). Gas water heaters in bedrooms or other living areas must have safety dividers or shields.

Water heaters must have a temperature-pressure relief valve and discharge line (directed toward the floor or out of the house) as a safeguard against build up of steam if the water heater malfunctions. If not, they are not properly equipped and shall fail. To pass, gas or oil fired water heaters must be vented into a properly installed chimney or flue leading outside. Electric water heaters do not require venting.

If it is impossible to view the water heater, check "Inconclusive." Obtain verification of safety of system from owner or manager. Check "Pass" if the water heater has passed a local inspection. This applies primarily to hot water that is supplied by a large scale complex water heating system that serves multiple units (e.g., water heating system in large apartment buildings). Check in the same manner described for heating system safety, item 7.2, above.

7.5 Water Supply

If the structure is connected to a city or town water system, check "Pass." If the structure has a private water supply (usually in rural areas) inquire into the nature of the supply (probably from the owner). Check "Inconclusive." If items are approved by 7.6, and 7.7 appropriate are checked by the public agency. Check with owner or manager for verification of adequacy.

7.6 Plumbing

"Major leaks" means that main water drain and feed pipes (often located in the basement) are seriously leaking. (Leaks present at specific facilities have already been evaluated under the checklist of "Building and Kitchen." The regulations causing serious and persistent levels of rust or contamination in the drinking water) can be determined by observing the color of the water at several taps. Badly corroded pipes will produce noticeably brownish water. If the tenant is currently occupying the unit, he or she should be able to provide information about the persistence of this condition. Make sure that the "rusty water" is not a temporary condition caused by city or town maintenance of main water lines.) See general note under 7.5.

7.7 Sewer Connection

If the structure is connected to the city or town sewer system, check "Pass." If the structure has its own private disposal system (e.g., septic field), inquire into the nature of the system and determine whether this type of system can meet appropriate health and safety regulations.

Following conditions constitute "evidence of sewer backup": strong sewer gas smell in the basement or outside of unit; numerous clogged or very slow drains; marshy areas outside of unit above septic field. See general note under 7.5.
### 7. Heating and Plumbing

For each numbered item, check one box only.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Decision</th>
<th>If Fail, what repairs are necessary?</th>
<th>If Inconclusive, give details.</th>
<th>If Pass with comments, give details.</th>
<th>If Fail or Inconclusive, date (mm/dd/yyyy) of final approval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes, Pass</td>
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<td>Inconcluse</td>
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<tr>
<td>71</td>
<td><strong>Adequacy of Heating Equipment</strong></td>
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<td></td>
<td>Is the heating equipment capable of providing adequate heat (either directly or indirectly) to all rooms used for living?</td>
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<tr>
<td>72</td>
<td><strong>Safety of Heating Equipment</strong></td>
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<td>Is the unit free from unvented fuel burning space heaters or any other types of unsafe heating conditions?</td>
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<tr>
<td>73</td>
<td><strong>Ventilation and Adequacy of Cooling</strong></td>
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<td></td>
<td>Does the unit have adequate ventilation and cooling by means of openable windows or a working cooling system?</td>
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<tr>
<td>74</td>
<td><strong>Water Heater</strong></td>
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<td>Is the water heater located, equipped, and installed in a safe manner?</td>
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<td>75</td>
<td><strong>Water Supply</strong></td>
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<td>Is the unit served by an approvable public or private sanitary water supply?</td>
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<tr>
<td>76</td>
<td><strong>Plumbing</strong></td>
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<td></td>
<td>Is plumbing free from major leaks or corrosion that causes serious and persistent levels of rust or contamination of the drinking water?</td>
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<tr>
<td>77</td>
<td><strong>Sewer Connection</strong></td>
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<td>Is plumbing connected to an approvable public or private disposal system, and is it free from sewer back-up?</td>
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</table>

**Additional Comments:** (Give Item Number)
8. General Health and Safety

8.1 Access to Unit

"Through another unit" means that access to the unit is only possible by means of passage through another dwelling unit.

8.2 Exits

"Acceptable fire exit" means that the building must have an alternative means of exit that meets local or State regulations in case of fire; this could include:

- An openable window if the unit is on the first floor or second floor or easily accessible to the ground.
- A back door opening on to a porch with a stairway leading to the ground.
- Fire escape, fire ladder, or fire stairs.

"Blocked" means that the exit is not useable due to conditions such as debris, storage, door or window nailed shut, broken lock.

Important note: The HA has the final responsibility for deciding whether the type of emergency exit is acceptable, although the tenant should assist in making the decision.

8.3 Evidence of Infestation

"Presence of rats, or severe infestation by mice or vermin" (such as roaches) is evidenced by: rat holes; droppings; rat runs; numerous settings of rat poison. If the unit is occupied, ask the tenant.

8.4 Garbage and Debris

"Heavy ac cumulation" means large piles of trash and garbage, discarded furniture, and other debris is not temporarily stored awaiting removal that might harbor rodents. This may occur inside the unit, in common areas, or outside. It usually means a level of accumulation beyond the capacity of an individual to pick up within an hour or two.

8.5 Refuse Disposal

"Adequate covered facilities" includes: trash cans with covers, garbage chutes, "dumpsters" (i.e., large scale refuse boxes with lids); trash bags (if approvable by local public agency). "Approvable by local public agency" means that the local Health and Sanitation Department (city, town or county) approves the type of facility in use. Note: During the period when the HA is setting up its inspection program, it will check with the local health and sanitation department to determine which types of facilities are acceptable and include this in the inspection requirements.

If the unit is vacant and there are no adequate covered facilities present, check "Inconclusive." Contact the owner or manager for verification of facilities provided when the unit is occupied.

8.6 Interior Stairs and Common Halls

"Loose, broken, or missing steps" should fail if they present a serious risk of tripping or falling. A handrail is required on extended sections of stairs (generally four or more consecutive steps). A railing is required on unprotected heights such as around stairwells.

"Other hazards" would be conditions such as bare electrical wires and tripping hazards.

Housing Choice Voucher Units. If the unit was built January 1, 1978, or after, no child under six will occupy or currently occupies it, is a 0-BR, elderly or handicapped unit with no children under six on the lease or expected, has been certified lead-based paint free by a certified lead-based paint inspector (no lead-based paint present or no lead-based paint present after removal of lead-based paint), check NA and do not inspect painted surfaces.

This requirement applies to all painted surfaces (building components) within the unit. (Do not include tenant belongings). Surfaces to receive a visual assessment for deteriorated paint include walls, floors, ceilings, built in cabinets (sink bases), baseboards, doors, door frames, windows systems including mullions, sills, or frames and any other painted building component within the unit. Deteriorated paint includes any painted surface that is peeling, chipping, chalking, cracking, damaged or otherwise separated from the substrate.

All deteriorated paint surfaces more than 2 sq. ft. in any one interior room or space, or more than 10% of the total surface area of an interior type of component with a small surface area (i.e., window sills, baseboards, and trim) must be stabilized (corrected) in accordance with all safe work practice requirements and clearance is required. If the deteriorated painted surface is less than 2 sq. ft. or less than 10% of the component, only stabilization is required. Clearance testing is not required. Stabilization means removal of deteriorated paint, repair of the substrate, and application of a new protective coating or paint. Lead-Based Paint Owner Certification is required following stabilization activities, except for de minimis level repairs.

8.7 Other Interior Hazards

Examples of other hazards might be: a broken bathroom fixture with a sharp edge in a location where it represents a hazard; a protruding nail in a doorway.

8.8 Elevators

Note: At the time the HA is setting up its inspection program, it will determine local licensing practices for elevators. Inspectors should then be aware of these practices in evaluating this item (e.g., check inspection date). If no elevator check "Not Applicable."

8.9 Interior Air Quality

Examples of conditions that would “seriously and continuously endanger the health or safety of the residents” are:

- other buildings on, or near the property, that pose serious hazards (e.g., dilapidated shed or garage with potential for structural collapse),
- evidence of flooding or major drainage problems,
- evidence of mud slides or large land settlement or collapse, proximity to open sewage,
- unprotected heights (cliffs, quarries, mines, sandpits), fire hazards,
- abnormal air pollution or smoke which continues throughout the year and is determined to seriously endanger health, and continuous or excessive vibration of vehicular traffic (if the unit is occupied, ask the tenant).

8.11 Lead-Based Paint: Owner Certification

If the owner is required to correct any lead-based paint hazards at the property including deteriorated paint or other hazards identified by a visual assessor, a certified lead-based paint risk assessor, or certified lead-based paint inspector, the PHA must obtain certification that the work has been done in accordance with all applicable requirements of 24 CFR Part 35. The Lead-Based Paint Owner Certification must be received by the PHA before the execution of the HAP contract or within the time period stated by the PHA in the owner HQS violation notice. Receipt of the completed and signed Lead-Based Paint Owner Certification signifies that all HQS lead-based paint requirements have been met and no re-inspection by the HQS inspector is required.
# 8. General Health and Safety

For each numbered item, check one box only.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Decision</th>
<th>Additional Details</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Yes, Pass</td>
<td>If Fail, repairs necessary?</td>
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<tr>
<td></td>
<td></td>
<td>No, Fail</td>
<td>If Inconclusive, give details.</td>
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<tr>
<td></td>
<td></td>
<td>Inconclusive</td>
<td>If Pass with comments, give details.</td>
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<td>If Fail or Inconclusive, date (mm/dd/yyyy) of final approval</td>
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</tbody>
</table>

## 8.1 Access to Unit
Can the unit be entered without having to go through another unit?

## 8.2 Exits
Is there an acceptable fire exit from this building that is not blocked?

## 8.3 Evidence of Infestation
Is the unit free from rats or severe infestation by mice or vermin?

## 8.4 Garbage and Debris
Is the unit free from heavy accumulation of garbage or debris inside and outside?

## 8.5 Refuse Disposal
Are there adequate covered facilities for temporary storage and disposal of food wastes, and are they approvable by a local agency?

## 8.6 Interior Stairs and Common Halls
Are interior stairs and common halls free from hazards to the occupant because of loose, broken, or missing steps on stairways; absent or insecure railings; inadequate lighting; or other hazards?

## 8.7 Other Interior Hazards
Is the interior of the unit free from any other hazard not specifically identified previously?

## 8.8 Elevators
Where local practice requires, do all elevators have a current inspection certificate? If local practice does not require this, are they working and safe?

## 8.9 Interior Air Quality
Is the unit free from abnormally high levels of air pollution from vehicular exhaust, sewer gas, fuel gas, dust, or other pollutants?

## 8.10 Site and Neighborhood Conditions
Are the site and immediate neighborhood free from conditions which would seriously and continuously endanger the health or safety of the residents?

## 8.11 Lead-Based Paint: Owner Certification
If the owner of the unit is required to correct any deteriorated paint or lead-based paint hazards at the property, has the Lead-Based Paint Owner’s Certification been completed, and received by the PHA? If the owner was not required to correct any deteriorated paint or lead-based paint haz-

### Additional Comments:
(Give Item Number)
### 9-5-4: NUISANCE PREMISES:

#### Definitions:

<table>
<thead>
<tr>
<th>Encourages or Permits</th>
<th>Acquiesces, by failure to prevent or expressly consent to an act.</th>
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</thead>
<tbody>
<tr>
<td>Nuisance Premises</td>
<td>Any &quot;premises&quot;, as defined herein, used for any offense, as defined below, is hereby declared a public nuisance; provided however that no public nuisance or violation of this section shall be deemed to exist unless:</td>
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<td>1. The offense for which the premises is used is punishable by imprisonment for one year or more or the premises is used for two (2) or more such offenses within any six (6) month period; or</td>
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<td>2. In any six (6) month period, the premises is the site of two (2) or more offenses which are misdemeanors under state or federal law or a violation of this code, as amended, including, but not limited to, the following provisions:</td>
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<tr>
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<td>a. Subsection 3-5-3(A)1 of this code, liquor license required.</td>
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<td>b. Section 3-5-11, &quot;Sales To Minors, Certain Persons Restricted&quot;, of this code.</td>
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<td>c. Section 3-5-13, &quot;Responsibility Of Parents And Others For Alcohol Consumption By Minors&quot;, of this code.</td>
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<td>d. Section 3-5-14, (liquor) &quot;Age Restrictions; Identification Cards&quot;, of this code.</td>
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<td>e. Title 8, chapter 16, &quot;Marijuana&quot;, of this code.</td>
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<td>f. Title 8, chapter 17, &quot;Drug Paraphernalia Control&quot;, of this code.</td>
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<td>g. Section 9-4-3-2, &quot;Limitation On Number Of Dogs&quot;, of this title.</td>
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<td>h. Section 9-4-14, &quot;Cruelty To Animals&quot;, of this title (includes animal fighting).</td>
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<td>i. Section 9-4-17, &quot;Dangerous Dogs&quot;, of this title.</td>
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<td>j. Section 9-5-3, &quot;Disorderly Conduct&quot;, of this chapter.</td>
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<td>k. Section 9-5-6, &quot;Disturb The Peace&quot;, of this chapter.</td>
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<td>l. Section 9-5-8-1, &quot;Gambling House, Establishments&quot;, of this chapter.</td>
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<td>m. Section 9-5-8-4, &quot;Gambling Acts&quot;, of this chapter.</td>
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<td></td>
<td>n. Subsection 9-5-10(C)1 of this chapter, alcoholic beverages, consumption/possession public property (sidewalks and parkways).</td>
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<td>o. Section 9-5-20-1, &quot;Obedience To Police In Public Places&quot;, of this chapter.</td>
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<td>p. Section 9-5-20-4, &quot;Resisting Or Interfering With Police&quot;, of this chapter.</td>
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<td>q. Section 9-5-23, &quot;Noises Prohibited&quot;, of this chapter.</td>
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<td>r. Section 9-6-1, &quot;Curfew&quot;, of this title.</td>
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<td>s. Chapter 8, &quot;Weapons&quot;, of this title.</td>
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<td>t. 720 Illinois Compiled Statutes 5/11-14, prostitution.</td>
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<td>u. 2003 international fire code, section 107.6 and 202, overcrowding.</td>
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<td></td>
<td>v. 2003 international property maintenance code.</td>
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<td>w. Title 6 of this code, the zoning ordinance.</td>
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<tr>
<td>Premises:</td>
<td>Any parcel of property or part thereof and the building or structure, if any, which is situated on the property, and any portion of the public way that abuts the parcel of property when it is used in conjunction with the abutting property for the commission of illegal activity.</td>
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<tr>
<td>Reasonably Believes:</td>
<td>&quot;Reasonably believes&quot; or &quot;reasonable belief&quot; means that the person concerned, acting as a reasonable person, believes that the described facts exist.</td>
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</tbody>
</table>

#### Maintaining Nuisance Premises Prohibited:

1. Any person who owns, manages, or controls a premises and who encourages or permits an illegal activity described in subsection (A) of this section to occur or continue on said premises shall be guilty of maintaining a nuisance premises.

2. Any person who owns, manages, or controls any premises and who fails to implement, within the thirty (30) day
Penalties: Upon a finding of liability pursuant to this section, in a court of competent jurisdiction or in the city's division of administrative hearings, by a preponderance of the evidence, the respondent shall be fined:

1. Not less than three thousand dollars ($3,000.00) and not more than six thousand dollars ($6,000.00) for any offense on the premises defined as a class X felony by the criminal code of 1961, 720 Illinois Compiled Statutes 5, as amended (hereinafter, "criminal code");
2. Not less than one thousand five hundred dollars ($1,500.00) and not more than three thousand dollars ($3,000.00) for any offense on the premises defined as a class 1 felony by the criminal code;
3. Not less than seven hundred dollars ($700.00) and not more than one thousand four hundred dollars ($1,400.00) for any offense on the premises defined as a class 2 felony by the criminal code;
4. Not less than five hundred dollars ($500.00) and not more than one thousand dollars ($1,000.00) for any offense on the premises defined as a class 3 felony by the criminal code;
5. Not less than three hundred dollars ($300.00) and not more than one thousand dollars ($1,000.00) for any offense on the premises defined as a class 4 felony by the criminal code; and
6. Not less than two hundred dollars ($200.00) and not more than one thousand dollars ($1,000.00) for all offenses on the premises not otherwise specified.

Evictions: No person evicted due to a notice of violation or nuisance abatement order issued or agreed to, pursuant to the terms of this section, shall be eligible to receive city funded relocation assistance.

Disposition Of Property: Any property assigned or forfeited to the city pursuant to this section may be disposed of as authorized by the city council.

Severability: If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or applications thereof.
## Nuisance Ordinance Comparatives

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Program</th>
<th>Licensing Type</th>
<th>Nuisance or Crime-Free Ordinance</th>
<th>Nuisance Definition</th>
<th>Rental Code Reference of Nuisance Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evanston</td>
<td>Rental Registration Program</td>
<td>Building</td>
<td>Nuisance Ord., 5-8-8(3)</td>
<td>Any &quot;premises&quot;, as defined, used for an offense, may be declared a public nuisance: provided however that no public nuisance or violation of section shall be deemed to exist unless: 1. The offense for which the premises is used is punishable by imprisonment for one year or more or the premises is used for two (2) or more such offenses within any six (6) month period; or 2. In any six (6) month period, the premises is the site of two (2) or more offenses which are misdemeanors under state or federal law or a violation of this code, as amended, including, but not limited to, the following provisions:</td>
<td>Revocation. If the Owner of the relevant Unit or his/her local agent is deemed to have maintained a Nuisance Premises in the Unit or on the premises wherein said Unit is located, in violation of section 9-5-4.</td>
</tr>
<tr>
<td>Aurora</td>
<td>Landlord/Agent Property Licensing Program</td>
<td>Building</td>
<td>Both, Sec 29-125</td>
<td>Nuisance property means any property on which the police department has two (2) or more official police reports of nuisance activity which has occurred within a six-month period.</td>
<td>Deny License Issuance, for the rental unit(s) involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer may order that said rental unit(s) be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.</td>
</tr>
<tr>
<td>Carpentersville</td>
<td>Residential Rental Licensing Program</td>
<td>Building</td>
<td>Nuisance (Sec. 8.20) &amp; Crime-free Lease Addendum</td>
<td>It is declared a nuisance and against the health, peace and comfort of the village for any property owner, property agent or manager to allow or permit the following: offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, harmful materials, sale of obscene publication, criminal housing management, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, any violation of the Illinois controlled substances act, any violation of the Cannabis Control Act or commission of any two or more of any other crimes under the laws of the state of Illinois or under the laws of the federal government not specifically listed above; or Rental of a dwelling unit within a residential rental property, or rental of a residential rental property to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: commission of four or more village ordinance violations in a six-month period.</td>
<td>Suspension or Revocation, Failure to include a crime-free lease addendum or similar approved language may result in suspension or revocation of the license to rent property within the village. Any owner or property agent entering into leases regarding residential rental property shall utilize a crime-free lease addendum or have a clause in the lease similar to a crime-free lease addendum. The clause is to make criminal activity a lease violation and shall specify that criminal activity is not limited to violent criminal activity or drug-related criminal activity engaged in by, facilitated by, or permitted by the tenant, a member of the household, guest or other party under the control of the tenant. The operator or property agent shall have authority under the clause to initiate an eviction proceeding as specified in the Illinois Forcible Entry and Detainer Statutes. Proof of a criminal violation shall be by a preponderance of the evidence.</td>
</tr>
</tbody>
</table>
## Nuisance Ordinance Comparatives

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Program</th>
<th>Licensing Type</th>
<th>Nuisance or Crime-Free Ordinance</th>
<th>Nuisance Ordinance</th>
<th>Rental Code Reference of Nuisance Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Des Plaines</td>
<td>Residential Properties Rental Licensing</td>
<td>Unit</td>
<td>Nuisance (Sec.4, Ch. 18)/Crime-Free Multi-Housing Program</td>
<td>Nuisance Residential Rental Property: It is hereby declared a nuisance and to be declared against the health, peace and comfort of the city for any property owner, agent, or manager to allow or permit the following: 1) rental of a residential unit, or residential building within an apartment community or governed by a homeowners' association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant household, guest or other party under control of the tenant to occur: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, child pornography, storage or manufacture of harmful materials, criminal housing management, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois controlled substances act, violation of the cannabis control act or commission of any two (2) or more of any other crimes under the state of Illinois or under the federal government not specifically listed above; 2) rental of a residential unit, or residential building within an apartment community or governed by a homeowners' association to a tenant who allows said property to be deemed a chronic nuisance property as set forth in title 5, chapter 4 of code.</td>
<td></td>
</tr>
<tr>
<td>Elmwood Park</td>
<td>Crime Free Multi-Family Housing Program</td>
<td>Unit</td>
<td>Chronic Nuisance Property/Abatement (Ch. 41.D)</td>
<td>To protect, preserve and promote public health safety and welfare by deterring crime and maintaining a high quality of life and preserving peace and tranquility within and surrounding rental residential housing within the Village.</td>
<td>Not Provided</td>
</tr>
</tbody>
</table>

**Suspension or Revocation.** If the licensee is convicted by a court or administrative tribunal of a violation of any applicable ordinance of the city in connection with the licensed rental property, then the license may be subject to suspension or revocation without further notice. Any premises found to be a chronic nuisance property shall be closed and secured against all use and occupancy for a period of not less than thirty (30) days, but not more than one hundred eighty (180) days.
<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Midlothian</td>
<td>Residential Rental Housing Program</td>
<td>Building</td>
<td>Crime-free Program (Sec. 4, Ch. 19) defines “Nuisance Residential Rental Property”)</td>
<td>Nuisance Residential Rental Property: It is hereby declared a nuisance and declared to be against the health, safety, peace, and comfort of the village of Midlothian for any property owner or owner's agent to allow or permit the following: Rental of a rental unit, or residential rental housing, to a tenant who allows any of the following offenses to occur on or near the rental unit, common areas or appurtenances related to the tenant: murder, kidnapping, sexual assault, robbery, burglary, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, sale or distribution of obscene publications, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois controlled substances act, violation of the cannabis control act or commission of any other crime under state or federal law not specifically listed above. Prohibition of these offenses applies also to members of the tenant's household, guests or other parties under control of the tenant; Rental of a rental unit, or residential rental housing to a tenant who allows any of the following offenses to occur on or near the rental unit, common areas or appurtenances relating to the tenant: commission of four (4) or more village ordinance violations in a six (6) month period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed above that when compared to other properties in the village of similar type, reasonably indicate that the activity at this property is out of character for the area and is impacting the quality of life of those in the area. Prohibition of these offenses applies also to members of the tenant's household, guests or other parties under control of the tenant. For purposes of subsections (G)1 and (G)2 of this section, it shall be sufficient evidence that a described offense occurred if the offender has been arrested or cited for one or more of the offenses described in subsection (G)1 or (G)2 of this section.</td>
<td>Permit Denial, Suspension, or Revocation. The landlord or managing agent will be in violation of this code if he/she has not complied with all “crime free housing program” requirements as stated in Section 4-18-9.</td>
</tr>
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<td></td>
<td>Chronic Public Nuisance Property means any rental unit at or on which any three 3 or more public nuisances have occurred within any one year period and any multifamily rental structure at in or on which any six 6 or more public nuisances have occurred within any one year period.</td>
<td></td>
<td></td>
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## Nuisance Ordinance Comparatives

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</tr>
</thead>
<tbody>
<tr>
<td>Oak Park</td>
<td>Multiple-Family Dwellings License</td>
<td>Building</td>
<td>Multiple-Family Dwelling Ord., does not define nuisance. Refers to violations of any code suspension. NUISANCE DEFINED: It shall constitute a nuisance to commit any offense which is in fact a nuisance or which is a nuisance according to the common law, or which is made such by any ordinance of the Village or the Statutes of this State, and shall include any act, occupation or use of property or premises or equipment, or structure of any kind which: A. Shall annoy, injure or endanger the safety or health of the public. B. Shall offend public decency. C. Shall unlawfully interfere with, obstruct or tend to obstruct or render dangerous for passage, a public park, sidewalk, street, alley or highway.</td>
<td>Suspension. Whenever, upon inspection of the licensed multiple-family dwelling or of the records required to be kept it is determined by the appropriate officials of the Village that conditions or practices exist which are in violation of the provisions of this or any applicable ordinance of the Village, the official making the determination shall serve the owner or agent with a notice of violation. Such notice shall identify the specific violations and state that unless they are corrected within the time specified in the notice, the operating license may be suspended. Notice pursuant to this section shall be sent by mail to the party designated in the application to receive notices and process.</td>
</tr>
<tr>
<td>Palatine</td>
<td>Residential Rental Dwelling Licensing Program</td>
<td>Building</td>
<td>Crime-free Multi-Housing Ord. (Sec. 10-16) Nuisance Residential Rental Property. It is hereby declared a nuisance and to be declared against the health, peace and comfort of the Village for any property owner, agent, or manager to allow or permit the following:</td>
<td>Suspension/Revocation.</td>
</tr>
<tr>
<td>Schaumburg</td>
<td>Rental License Program</td>
<td>Building</td>
<td>Nuisance Ordinance, Section 90. Specifically refers to rental nuisance. It is hereby declared a nuisance and to be declared against the health, peace and comfort of the village for any property owner, agent, or manager to allow or permit the following:</td>
<td>Suspension/Revocation</td>
</tr>
</tbody>
</table>
38-O-11

AN ORDINANCE

Amending Title 5, Chapter 8 of the City Code
to Require the Licensing of Rental Dwelling Units

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, Article VII, Section (6)a of the Illinois Constitution of 1970 states that, generally, “a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power… to license”; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible" (Scadron v. City of Des Plaines, 153 Ill.2d 164); and

WHEREAS, the Illinois Municipal Code states that “the corporate authorities of each municipality may fix the amount, terms, and manner of issuing and revoking licenses” (65 ILCS 5/11-60-1); and

WHEREAS, pursuant to its home rule authority, the City has adopted, as part of the Evanston City Code of 1979, as amended (“City Code”), by reference, the
WHEREAS, the City equally enforces the aforementioned codes against lodging establishments and rental dwelling units City-wide; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City licenses lodging establishments, including boarding houses, dormitories, fraternity houses, furnished rooming houses, hotels, lodging houses, private clubs, retirement hotels, rooming houses, and sorority houses; and

WHEREAS, at present, the City does not license rental dwelling units; and

WHEREAS, licenses are not fundamental rights subject to substantive due process, but property rights subject to the established rational basis analysis of economic regulation (see National Paint & Coating Ass’n v. City of Chicago, 45 F.3d 1124); and

WHEREAS, it is well-settled law in Illinois that it is within the power of municipalities to license rental dwelling units (see Oak Park Trust & Savings Bank v. Village of Mount Prospect, 181 Ill.App.3d 10); and

WHEREAS, a survey of the members of the Illinois Association of Code Enforcement, conducted during the week of October 17, 2011, found seventeen (17) municipalities that license rental dwelling units, a list of which is attached to this Ordinance 38-O-11 as Exhibit A and incorporated herein by reference; and
WHEREAS, on July 25, October 10, and November 14, 2011, the Planning and Development Committee (“P&D Committee”) of the City Council held meetings, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.), to consider the licensing of rental dwelling units, received exhaustive input from the public regarding the same, and ultimately recommended approval thereof by the City Council; and

WHEREAS, on November 14 and November 28, 2011, the City Council held meetings, in compliance with the provisions of the Illinois Open Meetings Act, considered the recommendation of the P&D Committee, received additional input from the public, and adopted said recommendation; and

WHEREAS, the City Council has determined that there is a compelling governmental interest in licensing rental dwelling units in order to protect the health, safety, and welfare of City residents; and

WHEREAS, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see Glenview State Bank v. Village of Deerfield, 213 Ill.App.3d 747) and is not subject to courtroom fact-finding (see National Paint & Coating Ass’n, supra),

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

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: Title 5, Chapter 8 of the City Code is hereby deleted in its entirety and replaced with the following, titled “Licensing of Rental Dwelling Units”:  

~3~
5-8-1: PURPOSE:

The purpose of this Chapter is to promote the public health, safety, and welfare by requiring the licensing of all rental dwelling units within the City of Evanston.

5-8-2: DEFINITIONS:

For the purposes of administering this Chapter, these definitions shall apply:

DIRECTOR: The Director of the City of Evanston Community & Economic Development Department or his or her designee.

UNIT: Shall have the same definition as “dwelling unit” in Section 6-18-3 of this Code.

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: LICENSE REQUIRED; LICENSES NON-TRANSFERABLE:

(A) License Required: It shall be unlawful for any person to rent or offer for rent any Unit, located within the City, for which there is no current and valid license issued pursuant to the terms of this Chapter. Notwithstanding the foregoing, no license shall be required for:

1. Owner-occupied Units;

2. Units located in Two-Family Dwellings, as defined in Section 6-18-3 of this Code, when one (1) Unit therein is Owner-occupied;

3. Units that are neither occupied nor for rent, such as those registered as Vacant Buildings pursuant to Title 4, Chapter 20 of this Code;

4. Lodging rooms or rooming units as defined in Section 6-18-3 of this Code and/or governed by Title 5, Chapter 2 of this Code;

5. Units licensed and inspected by the State of Illinois or the Federal Government, including, but not limited to, nursing homes, retirement centers, rest homes; and/or

6. Units owned by governmental agencies or public housing authorities.

(B) Licenses Non-Transferable: No license shall be transferred to another Unit.
5-8-4: LICENSE APPLICATIONS; FEES; AMENDMENTS; EXPIRATION:

(A) **License Applications:** Every Owner who applies for a license to rent a Unit, a renewal of such a license, or an amendment to such a license, shall file with the City, no later than December 31 of each year and on a form generated and provided by the Director, a written and signed application, which he/she certifies is true and correct. Every such application shall contain information including, but not limited to, the following:

1. The name, street address, telephone number, and e-mail address of: each Owner of the Unit; and/or a responsible partner or officer if the Owner is a partnership or voluntary unincorporated association; and/or the registered agent if the Owner is a corporation or limited liability company;

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 license application includes proof that said person has a valid realtor's license issued pursuant to the Illinois Real Estate License Act, 225 ILCS 454-1 et seq., as amended. This person must maintain an office and/or reside in Cook County, Illinois. An Owner who is a natural person and who meets the requirements of this Subsection 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 rental Unit, if any;

4. The name, street address, and telephone number of each company that provides an insurance policy for the rental Unit;

5. The street address and property index number(s) of the property whereon the rental Unit is located.

6. A floor plan of the rental Unit that indicates the square footage and intended purpose of each room.

7. A statement that the Owner is aware of and shall comply with the portions of the City Code applicable to the business of offering Unit(s) for rent.
(B) **License Fees:** The Owner of a rental Unit shall pay an annual license fee of twenty-six dollars ($26.00) for each such Unit when he/she files a license application or renewal. The fee for multiple unit buildings shall not be prorated by means of a fee schedule adopted by the City Council. Failure to pay the annual fee for any such license within six (6) weeks of license expiration shall result in an additional late charge of thirty percent (30%).

(C) **Refusal to Issue License:** The City may refuse to issue a license for any Unit that suffers from any cause for revocation set forth in Section 8 of this Chapter and/or if the application for such a Unit indicates that such a violation exists (e.g., the submitted floor plan indicates insufficient means of egress). The City reserves the right to inspect any Unit before issuing a license for said Unit.

(D) **License Amendments:** Whenever there is a change in the required information for a license application the Owner shall, within twenty (20) days of such change, apply for an amendment to the license for said Unit. There shall be no additional fee for filing a license amendment.

(E) **License Expiration:** Each license shall automatically expire one (1) year after its date of issuance.

5-8-5: **INSPECTIONS:**

(A) The City shall inspect any rental Units no less than once every four (4) years. The City shall provide notice to the Owner of a rental Unit, and/or the Owner’s local agent, of upcoming inspections via First Class U.S. Mail, sent at least twenty-one (21) days before said inspection.

(B) When an inspection of a rental Unit reveals any violations of the City Code, the Director shall establish a compliance schedule. In establishing a compliance schedule, the Director shall determine the minimum time reasonably necessary to correct the violations based upon the number and severity of the violations. The Director shall send notice, via First Class U.S. mail, to the property Owner or his/her local agent at the address provided on the most recent license application. Said notice shall include the following:

1. Description of the relevant Unit, sufficient for identification;
2. A list of the violations of the City Code;
3. The possible penalties for said violations; and
4. The date upon which the licensing re-inspection shall occur.

(C) The City shall perform a licensing re-inspection of the rental Unit at the end of the compliance schedule.
(D) The Owner of the rental Unit or his/her local agent shall correct all City Code violations cited in the aforementioned notice by the end of the compliance schedule. If the Owner or his/her local agent fails to make such corrections, the Owner may be adjudged liable for said Code violations and the license for said Unit shall be subject to revocation pursuant to the terms of this Chapter.

5-8-6: POSTING OF LICENSE REQUIRED:

It shall be unlawful for any Owner of a rental Unit within the City to fail to post the license for said Unit, issued according to the terms of this Chapter, or a true copy thereof, conspicuously upon the premises wherein said Unit is located.

5-8-7: PENALTIES:

(A) Any person found liable for renting or offering for rent any Unit, located within the City, for which there is no current and valid license issued pursuant to the terms of this Chapter, shall be fined five hundred dollars ($500.00) for the first offense, one thousand dollars ($1000.00) for the second offense in any one (1)-year period, and two thousand five hundred dollars ($2,500.00) for the third and any subsequent offense in any one (1)-year period. A separate offense shall be deemed committed each day during which a violation occurs or continues.

(B) Any person found liable for failing to amend a license as required by this Chapter and/or submitting false information on a license application, license renewal, and/or a license amendment filed pursuant to this Chapter, shall be fined one hundred dollars ($100.00) for the first offense, two hundred fifty dollars ($250.00) for the second offense in any one (1)-year period, and five hundred dollars ($500.00) for the third and any subsequent offense in any one (1)-year period. Each day that such information remains uncorrected by the owner(s) shall constitute a separate and distinct offense.

(C) Any person found liable for failing to post a license as required by this Chapter shall be fined one hundred dollars ($100.00). A separate offense shall be deemed committed each day during which a violation occurs or continues.

(C 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 Unit or the premises wherein said Unit is located.

5-8-8: REVOCATION; REVOCATION PROCEDURES:
(A) The Director may revoke a license issued pursuant to the terms of this Chapter for any of the following reasons:

1. If the Owner of the relevant rental Unit or his/her local agent violates any of the terms of this Chapter;

2. If the rental Unit or its use suffers from and/or creates any violations of the following portions of the City Code: Title 4, “Building Regulations;” Title 5, “Housing Regulations;” Title 6, “Zoning,” including, but not limited to, occupancy by more than three (3) unrelated persons living together as a single housekeeping unit; Title 8, “Health and Sanitation;”

3. If the Owner of the relevant rental Unit or his/her local agent is deemed to have maintained a Nuisance Premises in the Unit or on the premises wherein said Unit is located, in violation of Section 9-5-4 of the City Code;

4. If, pursuant to Title 4, Chapter 20 of the City Code, the Director deems the rental Unit, or the premises wherein the Unit is located, to be a Vacant Building, as defined therein; and/or

5. If the City or other governmental agency condemns the rental Unit or the premises wherein the Unit is located.

(B) Not less than three (3) (14) business days prior to revoking a hearing to revoke a license issued pursuant to the terms of this Chapter, the Director shall send, via First Class U.S. mail, a notice of revocation hearing to the Owner or his/her authorized agent at the address provided on the most recent license application. Notice shall be sufficient if sent to the address of the authorized agent indicated on the license application. Said notice shall include the following:

1. Description of the relevant Unit, sufficient for identification;

2. A statement that the license for said Unit is subject to revocation;

3. A statement of the reasons for the revocation;

4. The date and time upon which a revocation hearing shall occur; and

5. The location for said revocation hearing.

(C) Hearings shall be conducted by the City Manager in accordance with procedures drafted by the Corporation Counsel.

(D) Within ten (10) business days after the close of the hearing, the City Manager shall issue a written decision that shall constitute a final determination for purposes of judicial review pursuant to the Illinois Administrative Review Law,
735 ILCS 5/3-101 et seq., as amended. In reaching a decision, the City Manager may consider any of the following:

1. The nature of the violation.
2. The nature and extent of the harm caused by the licensee's action or failure to act.
3. The factual situation and circumstances surrounding the violation.
4. Whether or not the action or failure to act was willful.
5. The record of the licensee with respect to violations.

(E) The Director shall not reinstate a license for a rental Unit that has been revoked pursuant to the terms of this Chapter. The Owner of such a Unit or his/her local agent must apply for a new license for said Unit pursuant to Section 4 of this Chapter. The Director shall not issue a new license for the rental Unit until a City inspection of the Unit reveals no violations of the City Code. If the license was revoked due to over-occupancy and/or violation(s) of Section 9-5-4 of the City Code, the Director shall not issue a new license for the rental Unit until at least one hundred eighty (180) days have elapsed since the date of revocation.

5-8-9: ENFORCEMENT:

(A) The City may enforce the terms of this Chapter by any lawful means, including, but not limited to, proceedings in the City’s Division of Administrative Hearings or the Circuit Court of Cook County.

(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 rental Unit, or the premises wherein said Unit is located, or any certificate of occupancy required by the City Code for such a Unit or the premises wherein said Unit is located, unless the Owner or other applicant for such permit(s) and/or certificate(s) presents a current and valid license for every such Unit.

(C) The City Clerk shall issue no real estate transfer tax stamps for a transfer affecting the premises wherein any rental Unit(s) is/are located unless the grantor or seller presents a current and valid license for every such Unit.

(D) Records kept by the City for the purposes of enforcing the terms of this Chapter shall constitute evidence in the courts of the State of Illinois with regards to any action filed pursuant to the City’s Residential Landlord and Tenant Ordinance, as set forth in Title 5, Chapter 3 of this Code.

5-8-10: SEVERABILITY:
That 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 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect on July 1, 2012, after its passage, approval, and publication in the manner provided by law.

SECTION 5: 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.