PUBLIC NOTICE OF A MEETING

RENTAL UNIT LICENSING COMMITTEE

Thursday, June 14, 2012
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2402

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF May 17, 2012 MEETING MINUTES

3. CITIZEN COMMENT (30 minutes)

4. STAFF REPORTS
   A. Presentation of Revocation Process – Ken Cox
   B. Update of P&D Memo w/Recommendations and Ordinance Amendments – Steve Griffin

5. NEW BUSINESS

6. ADJOURNMENT

Order & Agenda Items are subject to change. Information about the Rental Unit Licensing Committee is available at: http://www.cityofevanston.org/government/boards-commissions/rental-unit-licensing-committee. Questions can be directed to Shanee Weston at 847-448-8266.

The City is committed to ensuring accessibility for all citizens; If an accommodation is needed to participate in this meeting, please contact this Department 48 hours in advance so that arrangements can be made for the accommodation if possible.
Rental Unit Licensing Committee
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MEETING MINUTES
RENTAL UNIT LICENSING COMMITTEE
Thursday, May 17, 2012
7:00pm
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2404

Members Present: Albert Bowen, Jane Evans, Barbara Janes, Steven Monacelli, Pat Phillips, Lisa Pildes, James R. Schermerhorn, Niabi Schmaltz, Mayor Elizabeth Tisdahl, Alderman Judy Fiske, Alderman Donald Wilson,

Members Absent: Paul Arntson, Dana Carroll, Richard Buchanan

Staff Present: Steve Griffin, Shanee Weston, Jeff Murphy

Presiding Member: Alderman Judy Fiske

INTRODUCTION
Alderman Fiske began the meeting with an introduction and informed the Committee that Mayor Tisdahl was unable to attend the beginning of the meeting; therefore Alderman Fiske chaired the first part of the meeting.

DECLARATION OF QUORUM: ALDERMAN FISKE, CHAIR
With a quorum present, Alderman Judy Fiske called the meeting to order at 7:04pm.

APPROVAL OF APRIL 19, 2012 MEETING MINUTES
A motion to approve the minutes was moved by Barbra Janes, Alderman Grover seconded the motion to approve the minutes. Edits and corrections were proposed and noted for revision/clarification of minutes, a voice vote was then taken and the minutes were unanimously approved.

CITIZEN COMMENT (30 minutes)
Regina Cartwright (1315 Crain St.), property owner, voiced her opposition against the ordinance and feels the ordinance makes other landlords suffer for the few that are not currently complying with the City.

Barbara Bernsen (1501 N. State Pkwy.), questioned why the committee has put long-term and private leases in the same ordinance. Ms. Bernsen also inquired how collections for licenses would be handled, when currently ‘registration fees are not being handled properly.’ She further stated the license fee will be another expense to the tenant.
Eric Paset (830 Forest Ave.), owns Evanston Northshore Apartments/Condos and Board of Director for Evanston Properties, feel that buildings are currently being maintained and inspected and another layer or process of registering each unit takes away from what the City is trying to achieve. Questions how will City maintain the proposed process.

Nefrette Halim (107 Greenbay Rd. / Garnett Pl.), property manager that manages over 500 units, expresses the concern of landlords and managers needing a good group of City staff that can help with non-compliance due to tenant issues. Request that the burden not be placed on the landlord and feels as that the proposed ordinance will have a counter effect.

Mora Slobrial (2037 Pratt), property owner, request that the City consider how to establish a better relationship between the City and landlord that are doing a good job, in the area with the students.

Bernard Hammer (1455 Tower Rd., Winnetka IL), read letters submitted to Steve Griffin, Director of Community and Economic Development. Mr. Hammer informed the Committee that further litigation is soon to come, if ordinance is passed.

STAFF REPORTS

Alderman Fiske stated for the record that Mayor Tisdahl has stepped in as Chair for the remainder of the meeting.

Ken Cox, Assistant City Attorney, responded to Chicagoland Apartment Association April 19, 2012 letter to the Committee, submitted by Judith Roettig. Mr. Cox clarified that the Illinois Real Estate License Act addresses that it is illegal to license real estate agents, not buildings. To date, no cases have been cited on this matter. An Oak Park, IL appeal was overturned in 1989, to date, no one has challenged the case. He confirmed that licensing of rental units is lawful. He further referenced the November 11, 2011 memo from Mr. Griffin stating that in FY2010-2011 the City spent approximately $603,000 for the compliance program. There are 13,486 rental units in the City, at $26 per unit which yield $350,636, leaving a $25 million deficit. The ordinance proposed does not cover the cost of the compliance/inspection program.

Mr. Schermerhorn inquired of the dollar amount it will cost the City to defend this ordinance if challenged in Circuit Court, Appellate Review, or Illinois Supreme Court. Mr. Cox responded that he could not speculate the cost, it varies most litigation is done in house. Alderman Wilson informed the Committee that the City has retained attorneys that can handle litigation in-house now, all employees in the Law Department are salaried with no timesheets therefore they just get the job done. Mayor Tisdahl added that the City is winning a lot more of their litigations.

Mr. Griffin informed the Committee of the draft memo prepared for the Planning & Development Committee (P&D) and Council for the consideration of amending Title 5, Chapter 8 of the City Code. The memo was submitted to the Rental Unit Licensing Committee in the May 17th meeting packet. Mr. Griffin brought attention to City Staffs
draft memo which will be presented to the full Council as a consensus from the committee and to articulate the intent of the ordinance: ‘Overall, the Committee suggests that rental inspections focus on life safety and basic housing standards for the occupants of the property. The goal of the proposed ordinance is compliance and not punishment.’

The Committee has requested Staff to provide an edited and revised copy of the proposed ordinance before going to Council. Alderman Grover informed the Committee that the proposed ordinance, she assumes, would be presented to P&D and to the City Council for at least two readings and that whatever comes out of this meeting does not mean it’s final. She reminded the Committee that this could be a long deliberative process. The Committee wants to make sure that the best comes out of this Committee and that they agree on what is presented to P&D for recommendation.

Committee member, Pat Philips expressed the insult she felt from the receipt of a letter sent to the Committee from Mr. Frank McCannon III, in regards to Committee member that may have not been in attendance at prior meetings. She felt the letter expressed that the Committee was not competent to carry on what they were charged to do. Ms. Phillips reiterated the insult she felt as a Committee member, previous property owner, and a current renter. She added, the notion of replacing Committee members would not solve anything and the current Committee members are very competent.

Alderman Wilson specified two concepts he would like to see addressed in the ordinance: the next step if a license is denied after the appeal process; and if a license is revoked what happens to the building. Alderman Wilson is not interested in imposing ‘draconian’ results to citizens. Lisa Pildes stated she is against the ordinance of licensing and feels the City is building an obstacle for itself with an ordinance they don’t need, when an inspection process is already in place. Barbra Evans stressed this is a city-wide ordinance and that she tries to not just consider her neighborhood but the entire City. She also agreed that a revocation process needs to be explained. Ms. Evans added it does bring her concern or pause that the revocation process is only reviewed by the City Manager. The Committee came to consensus that a revocation process plan needs to be developed and to have revocation hearings reviewed by a panel.

**NEW BUSINESS**

At the request of Ms. Pildes, the Committee went through the proposed memo and ordinance in its entirety to review and discuss the draft ordinance and the proposed recommendations submitted in the draft memo to P&D Committee and City Council, the following items were:

- **Section 5-8-3**, Ms. Pildes motioned to strike section 5-8-3(A)3 from the City Code, Mr. Schermerhorn seconded. A voice vote was taken and was not approved 3 – 6.
Section 5-8-4(A), the Committee recommends the consideration to accept floor plans that may not be “to scale” but provide sufficient detail that meet property maintenance standards of the unit. The floor plan is to depict the living space such as the number of bedrooms, living room, and kitchen. Alderman Wilson moved to incorporate item in the next P&D meeting as a recommendation for approval, Alderman Fiske seconded. A voice vote was taken and was unanimously approved.

Section 5-8-4(B), the Committee recommends the consideration of a fee schedule that prorates the $26.00 annual license fee for multi-unit buildings that would be subsequently adopted by the City Council. Alderman Wilson motioned to adopt recommendation, Mr. Schermerhorn seconded. A voice vote was taken and was approved 7 – 2.

Section 5-8-4(C), Ms. Pildes motioned to add language to this section that provides a 14 day grace period of requiring compliance, Mr. Schermerhorn seconded. A voice vote was taken and was not approved 2 – 7.

Section 5-8-5(A), the Committee recommends language amendment stating “The City shall may inspect all any rental Units no less than once every four (4) years.” (CDBG code compliance will still remain on a 2 year cycle). The ordinance will provide the inspector with the ability to enter the unit and inspect for the safety of the building. Alderman Wilson moved to incorporate item in the next P&D meeting as a recommendation for approval, Alderman Fiske seconded. A voice vote was taken and was unanimously approved.

5-8-5(C), Alderman Wilson motioned to have Legal draft language to section of City Code that extends the current license period until the end of the compliance schedule, Grover seconded.

5-8-7(B), the Committee interpret that the intent of this section applies to the submission of false information and/or lack of submission of accurate and true information. Alderman Wilson moved to incorporate item in the next P&D meeting as a recommendation for approval, Alderman Fiske seconded. A voice vote was taken and was unanimously approved.

Section 5-8-8(A), the Committee came to consensus that egregious violations such as: “Life Safety”; “Building Regulations”; “Housing Regulations”; “Zoning”; “Health and Sanitation”; and Nuisance premises, should be a fundamental part of licensing rental units, denial of the license, and/or revocation. Alderman Wilson moved to incorporate item in the next P&D meeting as a recommendation for approval, Alderman Fiske seconded. A voice vote was taken and was unanimously approved.

Section 5-8-8(B), the Committee recommends the consideration to revise the language in this section to require the Community and Economic Development Director to send any notices of license revocation “Not less than three (3) (14) business days prior to revoking a hearing to revoke a license.” Alderman Wilson moved to incorporate item in the next P&D meeting as a recommendation for
approval and Alderman Fiske seconded. A voice vote was taken and was unanimously approved.

- **5-8-8(C)**, Ms. Pildes moved to have Legal draft language in the section of the City Code that state hearings will be conducted by a panel, and amending the language stating “hearings shall be conducted by the City Manager”, Alderman Wilson seconded. A voice vote was taken and was approved 6 – 3.

- **Section 5-8-8(E)**, the Committee recommends the elimination of the section in its entirety, which called for a 180 day wait period for the issuance of a new license to any rental unit where a license was revoked for over occupancy or nuisance. Alderman Wilson moved to incorporate item in the next P&D meeting as a recommendation for approval, Alderman Fiske seconded. A voice vote was taken and was unanimously approved.

- **Section 5-8-9(C)**, the Committee recommends the elimination of the section in its entirety, which prohibits the City Clerk from issuing transfer stamps unless the grantor or seller present a current and valid license for every premise unit. Alderman Wilson moved to incorporate item in the next P&D meeting as a recommendation for approval, Alderman Fiske seconded. A voice vote was taken and was unanimously approved.

Alderman Wilson moved to incorporate recommendations in the May 8, 2012 draft memo to P&D and City Council and the recommendations move into the next P&D meeting, Alderman Fiske seconded. A voice vote was taken and was unanimously approved. Alderman Wilson also motioned that Legal research best practices or next steps of rental license revocation, Ms. Evans seconded. A voice vote was taken and was unanimously approved.

Committee agreed that the next meeting date will be June 14, 2012 at 7:00pm.

**ADJOURNMENT**
The meeting adjourned at 8:39pm, on May 17, 2012.

Respectfully Submitted,
Shanee Weston
Management Analyst, Community & Economic Development
Memorandum

To: Honorable Mayor and Members of the City Council
Planning & Development Committee

From: Rental Unit Licensing Committee
Steve Griffin, Director of Community & Economic Development
Shanee Weston, Management Analyst

Subject: Recommendation for the consideration to amend Title 5, Chapter 8 of the City Code to Require the Licensing of Rental Dwelling Units

Date: June 8, 2012

On November 14, 2011, the Planning and Development Committee recommended a mayoral-appointed committee be established to review proposed Ordinance 38-O-11, regarding the licensing of rental dwelling units. At the direction of City Council, the Rental Unit Licensing Committee was established and comprised of homeowners, renters, real estate professionals, and Aldermand with the following charge:

- 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;
- To ensure that the proposed ordinance balances the needs of all concerned parties.

The Committee met three times to review and discuss the draft ordinance and offered the following recommendations:

- Section 5-8-4(A)6, the Committee recommends the consideration to accept floor plans that may not be “to scale”, but provide sufficient detail that meet property maintenance standards of the unit. The floor plan is to depict the living space such as the number of bedrooms, living room, and kitchen.
Section 5-8-4(B), the Committee recommends the consideration of a fee schedule that prorates the $26.00 annual license fee for multi-unit buildings, that would be subsequently adopted by the City Council.

Section 5-8-5(A), the Committee recommends language amendment stating “The City shall may inspect all any rental Units no less than once every four (4) years.” (CDBG code compliance will still remain on a 2 year cycle). The ordinance will provide the inspector with the ability to enter the unit and inspect for the safety of the building.

5-8-5(C), the Committee recommends the consideration to amend the language of the ordinance that would extend the license periods until the end of an established compliance schedule.

5-8-7(B), the Committee interpret that the intent of this section applies to the submission of false information and/or lack of submission of accurate and true information.

Section 5-8-8(A), the Committee came to consensus that egregious violations such as: “Life Safety”; “Building Regulations”; “Housing Regulations”; “Zoning”; “Health and Sanitation”; and Nuisance premises, should be a fundamental part of licensing rental units, denial of the license, and/or revocation.

Section 5-8-8(B), the Committee recommends the consideration to revise the language in this section to require the Community and Economic Development Director to send any notices of license revocation “Not less than three (3) (14) business days prior to revoking a hearing to revoke a license..”

Section 5-8-8(C), the Committee recommends the consideration to amend the language in the section of the City Code that state hearings will be conducted by a appointed panel, and striking the language stating “hearings shall be conducted by the City Manager”.

Section 5-8-8(E), the Committee recommends the elimination of the section in its entirety, which called for a 180 day wait period for the issuance of a new license to any rental unit where a license was revoked for over occupancy or nuisance.

Section 5-8-9(C), the Committee recommends the elimination of the section in its entirety, which prohibits the City Clerk from issuing transfer stamps unless the grantor or seller present a current and valid license for every premise unit;

Overall, the committee suggests that rental inspections focus on life safety and basic housing standards for the occupants of the property. The goal of the proposed ordinance is compliance and not punishment.

Attachments:
Ordinance 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, 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

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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”: 

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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 454-1-1 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 multi-unit buildings shall not be prorated by means of a 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 all 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. The fact that a Unit is the subject of a compliance schedule shall not prohibit renewal of the license for said Unit.
(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.

(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) fourteen (14) business days prior to revoking a revocation hearing for 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-appointed panel 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.

Introduced:___________________, 2012  Approved:
Adopted:_____________________, 2012  ________________________, 2012

________________________________________
Elizabeth B. Tisdahl, Mayor

Attest: Approved as to form:

________________________________________
Rodney Greene, City Clerk  W. Grant Farrar, Corporation Counsel