

Ordinance No. O-28-16

**AN ORDINANCE ESTABLISHING RENTAL HOUSING
INSPECTION AND CERTIFICATION REGULATIONS**

WHEREAS, the City of Palos Heights ("City") is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the "Code"); and

WHEREAS, the Code (65 ILCS 5/11-31-1; 65 ILCS 5/1-3-1(b)) authorizes the City to adopt and enforce property maintenance standards and minimum quality standards for buildings and structures; and

WHEREAS, there are many non-owner occupied residential rental properties located throughout the City; and

WHEREAS, the City has received numerous reports of sub-standard living conditions in residential rental properties; and

WHEREAS, residential rental properties are subject to a greater likelihood of deterioration, abuse, over-crowding, and other conditions that can adversely impact the safety of occupants, neighbors, structures, and property values; and

WHEREAS, the City Council finds that it is in the best interests of the City and its residents to inspect residential rental properties to ensure compliance with all laws and regulations of the City and the State of Illinois, including property maintenance regulations; and

WHEREAS, the City Council finds that this Ordinance is intended to protect the public health, safety, and welfare by ensuring Code compliance; and

WHEREAS, the City Council finds that it is in the best interests of the City's residents to amend the Palos Heights Municipal Code in accordance with this Ordinance;

BE IT ORDAINED by the City Council of the City of Palos Heights, Cook County, Illinois, as follows:

Section One. The foregoing recitals are incorporated as though fully set forth herein.

Section Two. The following section-Section 156.10 is hereby added to the Code of Ordinances:

Section 156.10: Rental housing inspection and certification.

156.10(A) Definitions: Unless otherwise expressly stated or clearly indicated by context, the following terms as used in section 156.10 shall have the meanings indicated in this section:

Code: means the Municipal Code of the City of Palos Heights as amended, all City rules, regulations, and policies, and all state laws, rules, regulations, and policies.

Code Official: means the Building Commissioner, Building Inspector, or the Commissioner's designee.

Dwelling Unit: means a building or portion thereof designed to be used as a residence; a single unit providing complete independent facilities for the exclusive use of a person or persons, including, but not limited to, provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall not include motels, hotels, nursing homes, boardinghouses, hospital patient housing, or rooming houses.

Initial Inspection: means the first inspection of a dwelling unit for the purpose of determining compliance with the Code.

Let for Occupancy or Let: means to permit, provide or offer possession or occupancy of a dwelling unit to a person who is or who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, license, or similar instrument, or pursuant to a recorded or unrecorded agreement or contract of sale for the premises.

Occupant: means a person occupying a dwelling unit or using the property as a legal address for any purpose.

Owner: means any person, agent, operator, firm, or corporation having a legal or equitable ownership interest in a property.

Person: means a corporation, firm, partnership, association, organization, or any group acting as a unit or legal entity, as well as a natural person.

Property Agent: means a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner on the owner's certificate of compliance application.

Re-inspection: means any inspection of a residential rental property that occurs after the initial inspection.

Residential Rental Property: means any dwelling unit let for occupancy to a person or persons for any amount of rent or compensation and for use as a dwelling unit.

156.10(B) Prohibited Conduct

1. It shall be unlawful for any person to let to another for use or occupancy any residential rental property without a current and valid City-issued certificate of compliance.
2. It is unlawful for any person to operate, maintain, or offer to rent a residential rental property without first obtaining a certificate of compliance from the City.
3. It is unlawful for any person to occupy a residential rental property that does not have a valid City-issued certificate of compliance.
4. It is unlawful to allow any person to occupy a residential rental property that does not have a valid City-issued certificate of compliance.
5. It is unlawful for any person to violate any provision of this chapter.

156.10(C) Certificate of Compliance –Conditions and Term

1. A certificate of compliance will remain valid until the sooner of any of the following occurs:
 - (i) The City revokes or suspends the certificate of compliance in accordance with this chapter;
 - (ii) Twelve (12) months have passed since the date of the certificate of compliance's issuance;
 - (iii) The residential rental property is damaged or destroyed to the extent that it is no longer habitable;
2. A certificate of compliance may not be transferred between owners.
3. A certificate of compliance may not be transferred from one residential rental property to another.
4. The owner must maintain the certificate of compliance on the premises of the residential rental property for which the certificate was issued. The owner shall produce the certificate of compliance at the City's reasonable request.

156.10(D) Certificate of Compliance-Application

1. Owners shall complete a certificate of compliance application on a form provided by the City and provide all other information reasonably requested by the City. At a minimum, owners shall provide the following information for each residential rental property:
 - (i) Owner's legal name, home and business address, home, business, and mobile telephone numbers, and e-mail address;
 - (ii) Property agent's legal name, business address, business and mobile telephone numbers, and e-mail address;
 - (iii) The address of the residential rental property;
 - (iv) The residential rental property's square footage;
 - (v) The legal name of each residential rental property's occupant; and
 - (vi) The application and inspection fee listed in the city's fee schedule.
2. An owner shall submit a revised application to the City within 30 days of any modifications to the information the owner previously provided on a certificate of compliance application.
3. Applications for certificates of compliance shall be filed within one hundred twenty (120) days of the effective date of this Chapter. Thereafter, applications for certificates of compliance shall be filed at least thirty (30) days before the certificate of compliance's expiration.
4. Each certificate of compliance shall contain the certificate's date of issuance, the owner's name, and the address of the residential rental property that the certificate of compliance covers.
5. Owners that fail to submit a certificate of compliance application in accordance with the timeframes set forth in this Chapter shall be required to pay an application and inspection fee equaling 200% of the application and inspection fee listed in the city's fee schedule.
6. The City may issue a temporary certificate of compliance when, in the opinion of the code official, none of the violations observed threaten life-safety or health. A temporary certificate of compliance may only be issued after the owner deposits with the city a cash bond or cashier's check

payable to the city in the amount of \$500.00. The City will retain the owner's cash bond or cashier's check until the code official re-inspects the property, determines code compliance, and issues a certificate of compliance. Temporary certificates of compliance shall expire no later than 60 days after issuance.

156.10(E) Inspections

1. Upon submitting a certificate of compliance application, the owner shall schedule with the City an inspection of the residential rental property.
2. Each inspection made by the code official shall be for the purpose of determining compliance with the code.
3. The code official shall issue a certificate of compliance only upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants and the residential rental property is otherwise fit for occupancy. If such findings are not made, the code official shall issue a notice to comply to the owner or property agent. Upon re-inspection and evidence of compliance, the code official shall issue a certificate of compliance.
4. The code official shall issue certificates of compliance on the condition that the residential rental property remains in a safe, habitable, and code compliant condition. If upon re-inspection the City determines that conditions exist which constitute a hazard to the occupants' health or safety, the city may immediately suspend or revoke the certificate of compliance by mailing notice to the owner or property agent.
5. The code official shall maintain a city-wide plan of all residential rental properties occupied or held or offered for occupancy based on certificate of compliance applications and other reasonably available information.
6. The code official shall establish and maintain a schedule of inspections necessary to carry out the intent and purpose of this section.
7. In the event an owner, property agent, or occupant of a residential rental property refuses to allow the code official to inspect a residential rental property, schedule a time to inspect the residential rental property, or otherwise fails to comply with the code, the City reserves all remedies to secure compliance with this section, including, without limitation, seeking an administrative search warrant or suspending or revoking an owner's certificate of compliance.
8. Violations discovered during inspection shall be identified in a written notice to the owner or the property agent. If the identity of the owner cannot be readily ascertained, the notice shall be mailed to the last taxpayer of record shown on the records of the Cook County Treasurer. Violation notices shall be mailed to the owner or property agent within thirty (30) days of their discovery by the code official.
9. The code official shall complete as many re-inspections as are reasonably necessary to ensure that appropriate corrective action has been taken to bring the residential rental property into compliance with the code.

Section 156.10(F) Appeals

1. Any person receiving a violation notice pursuant to this section, any person denied a certificate of compliance, or any person whose certificate of compliance has been suspended or revoked shall have the right to appeal to the City Adjudication Hearing Officer. Such an appeal shall be in writing and filed with the code official within 14 days of the date of the code official's action. The appeal shall contain a complete statement of the reasons for the appeal, the specific facts supporting the appeal, and all evidence the appellant intends to rely on to support the appeal.

2. The Palos Heights Adjudication Hearing Officer shall schedule a meeting to consider the appeal within 30 days of receiving the appeal. The Palos Heights Adjudication Hearing Officer may consider all facts, evidence, and testimony presented by the appellant and the code official, and all other information the planning and zoning commission determines to be relevant to the appeal.
3. The Palos Heights Adjudication Hearing Officer shall send written notice of its decision to the owner within 30 days of hearing the appeal.

Section 156.10(G) Other inspections: Nothing in this Chapter shall restrict, limit, or alter the City's authority to inspect any property nor impose penalties for violations of the code.

Section 156.10(H) Fee Schedule: Inspection Fees shall be computed in accordance with the following:

Certificate of occupancy/miscellaneous inspections:

Residential, one or two units	\$100.00
Residential, over two units, first unit	\$100.00
Vacant residential, one or two units	\$100.00
Vacant residential over two units, first unit	\$100.00
Each additional unit	\$50.00

Section 156.10(I) Penalty

1. In addition to any other remedy, including, without limitation, remedies at law and in equity, any person violating the terms of this Chapter shall be fined not more than \$750.00 for each day the violation continues, nor less than \$100.00 for each day the violation continues. Each day a violation continues shall be a separate offense.
2. Every act or omission by any person that constitutes a violation of this Chapter shall be deemed to be an act or omission of the owner and punishable in accordance with the terms in this Chapter.

Section 3: Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 4: Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City of Palos Heights prior to the effective date of this ordinance.

Section 5: Effectiveness. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law, and the provisions of the Palos Heights Municipal Code amended herein shall be preprinted with the changes.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALOS HEIGHTS, COUNTY OF COOK,
STATE OF ILLINOIS, THIS 1ST DAY OF NOVEMBER, 2016 ON A MOTION MADE
BY ALDERMAN MCGROGAN, SECONDED BY ALDERMAN FULKERSON,
ON A CALL OF THE ROLL, VOTING AS FOLLOWS:

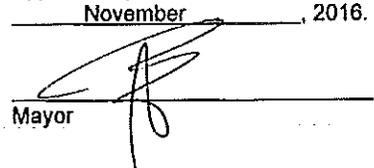
VOTE: 8

AYES: 7 - Aldermen McGovern, Bylut, Fulkerson, Basso, McGrogan, Key, Kramarski

NAYS: 0

ABSENT: 1 - Alderman Clifford

Approved by me this 1st day of
November, 2016.



Mayor

ATTEST: Thomas A. Kontas

By: Patricia M Sheppard
City Clerk Deputy Clerk