

## **ORDINANCE NO. 16796**

### **AN ORDINANCE AMENDING THE SYSTEMATIC INSPECTION OF RENTAL HOUSING ORDINANCE**

**WHEREAS**, the Mayor and City Council have determined that in order to properly protect the health and safety of persons residing in rental properties and the welfare of the residents of the City of Joliet and the quality of life of neighborhoods, it is necessary to enforce life safety codes and property maintenance codes in a systematic manner, including the use of regularly scheduled code-compliance inspections; and

**WHEREAS**, on the basis of this determination, the Mayor and City Council enacted Ordinance No. 8245 establishing the Systematic Rental Inspection Program.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** Section 8-151 of the Code of Ordinances is hereby amended to modify the definition of “two family dwelling” and “multifamily dwelling” to read as follows:

Two family dwelling. A building or lot containing two (2) dwelling units.

Multifamily dwelling. A building or lot containing more than two (2) dwelling units.

**SECTION 2:** Section 8-152 of the Code of Ordinances is hereby amended to read as follows:

#### **Sec. 8-152. Systematic Inspection Required.**

(a) **Covered Properties**

The following residential rental properties (“Covered Properties”) shall be subject to the Systematic Inspection of Rental Housing Ordinance and shall be inspected for compliance with this Code and all other applicable laws and ordinances:

- (1) two-family dwellings
- (2) multifamily dwellings
- (3) boarding houses
- (4) rooming houses
- (5) lodging houses
- (6) tourist houses
- (7) hotels and motels
- (8) dormitories

- (9) a leased single-family dwelling that has been temporarily placed in the systematic rental inspection program for cause as set forth in subsection (d) of this section
- (10) the rental unit of a two-family dwelling that has been temporarily placed in the systematic rental inspection program for cause as set forth in subsection (d) of this section

(b) Exempt Occupancies

The following occupancies are exempt from the Systematic Inspection of Rental Housing Ordinance

- (1) owner-occupied single family dwellings
- (1) non-owner-occupied single-family dwellings that do not meet one or more of the criteria set forth in subsection (d) of this section
- (2) two-family dwellings in which one unit is occupied by the owner and the rental unit does not meet one or more of the criteria set forth in subsection (d) of this section
- (3) dwellings, buildings, structures and uses owned and operated by any governmental agency
- (4) dwellings, buildings, structures and uses licensed and inspected by the State of Illinois

(c) Hotels and Motels

Hotels and motels shall be subject to systematic rental inspection of the entire premises, including rooms and units set aside for or rented to long term residents. However, the owner shall be required to pay inspection fees only for those rooms or units that are rented to or set aside for long term residents. The inspection fee shall be determined by the number of rooms or units rented to or set aside for long term residents during the preceding months of July, August and September or such other number stated by the owner in its hotel license application or renewal, but only if a license has been issued on the application.

(d) Placement in Program for Cause

Single family dwellings that are not occupied by the owner and are rented or leased to another person and the rental unit of a two-family dwelling in which the other unit is owner-occupied shall be temporarily subject to inspection and compliance with the Systematic Inspection of Rental Housing Ordinance if those dwellings or rental portion thereof meets one or more of the following conditions:

- (1) the dwelling or the lot on which the dwelling is located is the subject of two or more calls for police service within a twelve month period due to the misconduct of the tenant(s) or the guests of the tenant(s); or

- (2) the dwelling or the lot on which the dwelling is located is the subject of one or more calls for police service within a twelve month period due to the misconduct of the tenant(s) or the guests of the tenant(s) and such misconduct relates to the use of the rental property for drug-related criminal activity, prostitution-related activity or the illegal use possession or discharge of a firearm; or
- (3) the dwelling or any structure on the lot on which the dwelling is located has caught fire and required a response from the Joliet Fire Department; or
- (4) the dwelling or the lot on which the dwelling is located has three or more violations of this Code or any applicable law or ordinance within a twelve-month period as determined by the city manager or his designee; or
- (5) the dwelling or the lot on which the dwelling is located has been determined to constitute a public nuisance due to the condition of the property or the conduct of the tenants or guests occupying the property.

The determination that adequate grounds exist for temporary placement in the systematic rental inspection program shall be made by the City Manager, or another administrative tribunal of competent jurisdiction, based on substantial evidence after providing the owner an opportunity to be heard thereon. In addition, a declaration that a public nuisance exists may be made by the Mayor and City Council.

The twelve-month period referred to in subsections (1) and (3) shall be a continuously rolling period that shall be measured not on a calendar year basis but on the basis of the twelve (12) months immediately preceding the complaint, call for service or violation which triggers the city's intervention.

A dwelling unit that is temporarily placed in the systematic rental program pursuant to this subsection shall be eligible to be released from the inspection requirements of this Division if the dwelling unit remains in compliance with this Code and other applicable laws and ordinances for a period of two years following the issuance of a Certificate of Inspection.

For the purposes of this section, a call for police service to prevent or investigate domestic violence or domestic sexual abuse shall not constitute a police call for which a temporary placement may be made.

(e) Standard Inspection Cycle

All Covered Properties shall be inspected in accordance with this Division not less than once every two years: The two year inspection cycle shall commence on the date designated by the City in the Inspection Notice as the date of the initial inspection. The failure to satisfactorily complete an inspection shall not reset the two year inspection cycle.

(f) Performance-based Inspection Cycle

Any Covered Property, other than a hotel or motel, that has undergone a biennial inspection under this Division shall be eligible for a two-year inspection extension so that the next inspection shall be required (4) years from the date of the Certificate of Inspection if:

- (1) The dwelling is cited for no violations during the initial inspection; or
- (2) The dwelling is cited for no more than five minor and non-life safety violations that are corrected by the time of the first reinspection; provided however, that any one or more of the following conditions shall disqualify a dwelling from receiving a two-year inspection extension under the provisions of this subsection:
  - a. The physical condition or use of any dwelling constitutes a nuisance at common law;
  - b. Any physical condition, use or occupancy of any dwelling or its appurtenances is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
  - c. Any dwelling that has unsanitary sewerage or plumbing facilities;
  - d. Any dwelling that is designated as unsafe for human habitation or use;
  - e. Any dwelling that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured as to endanger life, limb or property;
  - f. Any dwelling from which the plumbing, heating or other facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
  - g. Any dwelling that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or

- h. Any dwelling that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the dwelling.

Any dwelling receiving a two-year inspection extension under subsection (d) shall be subject to inspection during the four-year term for which the Certificate of Inspection is issued if the city receives a well-founded complaint regarding the condition of the property and inspection or reinspection is necessary or title to the dwelling is transferred to a third party.

(g) New Construction

Newly constructed Covered Properties shall not be scheduled for their initial systematic inspection for a period of three (3) years following the issuance of a Certificate of Occupancy therefor. This subsection shall only apply to original construction and shall not apply to dwelling units within renovated buildings.

**SECTION 3:** Section 8-153 of the Code of Ordinances is hereby amended in its entirety to read as follows:

**Sec. 8-153. Rental Property Registration.**

It shall be the duty of all owners of rental property subject to systematic inspection under Section 8-152 to register the rental property with the City Manager on forms provided for this purpose. The registration shall include the following information:

- (1) proper name, mailing address, telephone number and email address of all of the persons holding legal or equitable title to the property
- (2) address of the rental property
- (3) number of dwelling units
- (4) names of all lessees and other permitted adult occupants
- (5) mailing address, telephone number and email address of all Property Managers
- (6) emergency contact information for the owner
- (7) other information reasonably required by the City Manager that assists in the administration and enforcement of the Systematic Inspection of Rental Housing Ordinance

The owner shall regularly update the registration information as changes occur. In addition, the owner shall update the registration information for the property prior to receiving a renewed Certificate of Inspection.

**SECTION 4:** Section 8-154 of the Code of Ordinances is hereby amended in its entirety to read as follows:

**Sec. 8-154. Certificate of Inspection required.**

The owner of a Covered Property shall not rent, let or permit the occupancy thereof unless a current Certificate of Inspection has been issued therefor and is in good standing. Each day of occupancy in violation of this Division shall constitute a separate offense. In addition, each dwelling unit occupied in violation of this division shall constitute a separate offense.

**SECTION 5:** Section 8-155 of the Code of Ordinances is hereby amended in its entirety to read as follows:

**Sec. 8-155. Inspection Procedures.**

(a) Notice of Inspection

The City shall provide the owner prior notice of a scheduled inspection at least seven (7) days in advance. This notice may be given by mail or email addressed in accordance with the property registration.

(b) Owner or Representative to be Present

Unless otherwise required by the City Manager or stated in the Inspection Notice, the owner, or other owner's representative authorized to provide access to the entire building, shall be present for the inspection.

(c) Certificate Issued Upon Satisfactory Completion of Inspection

If upon completion of the biennial inspection, the premises are found to be in compliance with this Code and the appropriate fee has been paid, the City shall issue a Certificate of Inspection for the premises.

(d) Non-satisfactory Completion of Inspection

If, upon completion of the biennial inspection, the premises are found to be in violation of one or more provisions of this Code, the city shall provide written notice of such violations and shall set a reinspection date before which such violation(s) shall be corrected. If such violation(s) have been corrected within that period, the city shall issue a Certificate of Inspection for the premises. If such violations have not been corrected within that period, the city shall not issue the Certificate of Inspection and may take any action necessary to enforce compliance with this Code. If such uncorrected violations do not pose an immediate threat to the health, safety, and welfare of the occupants, the city manager or the city manager's designee may authorize the occupancy of the premises for a period not to exceed ninety (90) days.

**SECTION 6:** Section 8-156 of the Code of Ordinances is hereby amended in its entirety to read as follows:

**Sec. 8-156. Applicable Codes and Ordinances.**

(a) Incorporated Codes

All Covered Properties shall be inspected to ascertain compliance with nationally recognized building and life safety codes that are adopted by the City including, but not limited to, the following:

- (1) The International Building Code (2003 edition), as set forth in Section 8-175(a) of this Code
- (2) The International Residential Code (2003 edition), as set forth in Section 8-175(b) of this Code
- (3) The National Electric Code (2002 edition), as set forth in Section 8-211 of this Code
- (4) The International Fire Prevention Code (2003 edition), as set forth in Section 8-279 of this Code
- (5) Section 704 of the National Fire Protection Association Code (1990 edition)
- (6) The International Mechanical Code (2003 edition), as set forth in section 8-300 of this Code
- (7) The Illinois Plumbing Code (1998 edition), as set forth in section 8-325 of this Code
- (8) The International Property Maintenance Code (2003 edition), as set forth in Section 8-335 and 8-336 of this Code

In the event the City hereafter adopts additional or successor codes dealing with building construction, buildings systems, life safety, accessibility or property maintenance, then Covered Properties shall also be inspected to ascertain compliance with such codes, whether or not this section is specifically amended to refer to such codes.

(b) State Laws

All Covered Properties shall be inspected to ascertain compliance with laws of the State of Illinois, including, but not limited to the following:

- (1) Smoke Detector Act, 425 ILCS 60/1 et seq.
- (2) Carbon Monoxide Alarm Detector Act, 430 ILCS 135/5 et seq.

(c) General City Ordinances

All Covered Properties shall be inspected to ascertain compliance with the general ordinances of the City pertaining to the condition, use or development of structures, buildings and real property, including, but not limited to the following:

- (1) Code of Ordinances
- (2) Zoning Ordinance (Ordinance No. 5285, as amended)
- (3) Subdivision Regulations (Ordinance No. 7208, as amended)
- (4) Joliet Accessibility Code (Section 8-709 et seq., as amended)
- (5) Historic Preservation Code (Section 8-601 et seq., as amended)

(d) Required Notices and Disclosures to Tenants

All Covered Properties shall be inspected to ascertain compliance with laws and ordinances requiring the making of certain notices or disclosures to tenants, including, but not limited to, the following:

- (1) Notice of Availability of Certificate of Inspection
- (2) Notice of Lease Termination and Eviction for Criminal Misconduct (Crime Free Addendum)

(e) Orders and Compliance Agreements

All Covered Properties shall be inspected to ascertain compliance with court orders, administrative orders, compliance agreements and other similar property-specific requirements.

**SECTION 7:** Division 15 of Article I, Chapter 8 of the Code of Ordinances is hereby amended with the addition of the following as Section 8-163:

**Sec. 8-163. Required Notices and Disclosures to Tenants**

(a) Availability of Certificate of Inspection

Upon the transfer of possession of a Covered Property to a tenant, or at the time a lease agreement is delivered to a tenant for execution, whichever is later, the owner shall notify the tenant in writing that the Certificate of Inspection for the subject dwelling unit is available for inspection by the tenant or that there is no current Certificate of Inspection for the dwelling unit being rented to the tenant.. In addition, upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the current Certificate of Inspection for the subject dwelling unit.

(b) Notice of Lease Termination and Eviction for Criminal Misconduct (Crime Free Addendum)

Upon the transfer of possession of a Covered Property to a tenant, or at the time a lease agreement is delivered to a tenant for execution, whichever is later, the owner shall notify the tenant in writing of the following matters:

- (1) That the City of Joliet prohibits the use of the rental property for illegal activities or in such a manner so as to constitute a public nuisance.
- (2) That it is a public nuisance and a crime to use the rental property for the playing of loud music, the making of loud mechanical sounds or other noise that unreasonably disturbs other persons.
- (3) That it is a public nuisance and a crime to use the rental property for drug-related criminal activity, prostitution, the illegal use of alcoholic beverages, the unlawful discharge of a firearm or other illegal activities.
- (4) That it is a public nuisance and an ordinance violation for the tenant to allow garbage, animal waste, inoperable motor vehicles, junk or debris to accumulate on the rental property or to cause the rental property to be in an unsanitary condition.
- (5) That the tenant is responsible for illegal and nuisance activities that occur within or upon the rental property whether these activities are conducted by the tenant, the tenant's family, a guest of the tenant or any other person allowed on the property by the tenant.
- (6) That the owner has the right to terminate the tenant's lease and evict the tenant from the rental property if the tenant allows the property to be used for illegal activities or in such a manner so as to constitute a public nuisance or if the tenant allows the rental property to be used for drug-related criminal activity, prostitution, the illegal use of alcoholic beverages, the unlawful discharge of a firearm or other illegal activities.

The disclosures required in this sub-section may be given by inclusion within a written lease agreement or by separate written instrument. In the case of a separate instrument, the tenant shall sign a copy of the instrument evidencing receipt thereof. The owner shall provide the city with a copy of the signed instrument as part of the systematic inspection.

The City Manager is authorized to permit City personnel to testify in legal proceedings brought by an owner to terminate a lease on account of criminal misconduct or nuisance activity on the rental property.

**SECTION 8:** This ordinance is adopted pursuant to the home rule powers vested in the City of Joliet by the Illinois Constitution.

**SECTION 9:** This ordinance shall not be construed to affect, impair or invalidate any pending proceeding.

**SECTION 10:** Any ordinance in conflict with this ordinance is repealed to the extent of such conflict. Any statute in conflict with this ordinance is preempted, unless such preemption has been limited in accordance with the Illinois Constitution.

**SECTION 11:** This ordinance shall be deemed severable and the invalidity of any portion hereof shall not be deemed to invalidate the remainder.

**SECTION 12:** This ordinance shall take effect upon its passage.

**PASSED** this 14<sup>th</sup> day of March, 2011.



MAYOR



CITY CLERK

**VOTING YES:** MAYOR PRO-TEM QUILLMAN and COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, SHETINA and TURK.

**VOTING NO:** NONE.

**NOT VOTING:** MAYOR SCHULTZ (Absent)