

RESIDENTIAL RENTAL PROPERTY REGISTRATION COMMITTEE

August 18th, 2021

4.30 pm

Quincy City Council Chambers
Quincy City Hall (1st Floor) 730 Maine St.



AGENDA

1. Call the Meeting to Order
2. Approval of Meeting Minutes from August 4th
3. New Business
 - a. Burden of Derelict Properties on Tax Payers
 - b. Right of Entry Review
 - c. Tenant Responsibility
 - d. Ordinance Amendments
 - e. Commissioner Discussion
 - f. Schedule Next Meeting (September 1st at 4:30 pm)
 - i. Tentative Agenda Items
 1. Proposed Ordinance Review
4. Public Comment (limit of 3 minute per speaker)
5. Adjournment

**RESIDENTIAL RENTAL PROPERTY REGISTRATION COMMITTEE
MINUTES FOR WEDNESDAY, AUGUST 4, 2021**

A meeting of the Quincy Residential Rental Property Registration Committee was held at 4:30 p.m. on Wednesday, July 21, 2021 in the Quincy City Council Chambers, City Hall, 1st Floor, 730 Maine Street.

Members Present: Ald. Katie Averkamp, Rocky Murray, Director of Inspections Michael Seaver, Mayor Mike Troup, Asst. City Attorney Bruce Alford, Mark Krogman, Colon Carbine, Janet Conover, Jason Finney, Ald. Jack Holtschlag, Ald. Eric Entrup, Lee Lindsay

Members Absent: Ald. Parker Freiburg,

Staff Present: Chuck Bevelheimer, Jason Parrott

Audience: 40+ in attendance

Call to Order:

Troup called the meeting to order at 4:30 pm.

Approval of Minutes from July 21, 2021 Meeting

Holtschlag made a motion, seconded by Finney, to approve the meeting minutes from July 21, 2021. The motion carried with all present voting in favor

Review of Committee Discussions to Date

Director of Administrative Services Jeff Mays updated the committee on the discussions from the two previous meetings. He stressed to the audience that the minutes of the previous meetings were available for review so that they can see the work the committee has done so far.

New Business

Impact of Mental Health on Rental Housing:

Mark Schwartz with Transitions described Transitions role in housing efforts in Quincy. He said the organization manages two apartment complexes with approximately 40 total units. Schwartz provided the committee with ten areas in which housing and mental health intersect based on his experience and the experience of his organization, including:

- Mental Illness is Common so it's likely a landlord has already rented a unit to someone with a mental health issue.
- Most People with mental illness live in apartments
- Providers such as Transitions assist people, they cannot control what they do.
- Fair Housing rules apply to mental illness
- Mental Illness does not mean someone does not have to follow a lease
- Some Symptoms of mental illness can be too difficult to maintain a lease
- Landlords can help spot warning signs in renters

Lindsay asked if Transitions offered financial assistance. Schwartz said it does, but also has the apartments available for clients as needed. Conover asked if the units were inspected. Schwartz said the units had to pass HUD inspections which are more strict than other inspections. He said there are several boarding houses in town that are not HUD inspected.

Pastor Tony Metz with Luther Memorial Church said he sees the work of the committee as lifesaving work. He said many people take for granted that they will go home to a safe and livable home at night when there are some in Quincy who will not. Metz described living conditions he has seen, including one instance in which a child fell through the ceiling of a home. He said his research, as a Counseling student at QU, shows substandard housing can contribute to stress, helplessness, and psychological issues years later. He said people feel powerless living in substandard homes. Metz said he also owns a rental unit in Rockford, Ill., so he understands the challenges that landlords face.

Carbine asked Metz why people feel helpless and asked why people don't just move out if they don't feel safe? Metz said he has seen situations where people are worried they will be evicted if they speak up and they cannot afford first month/last month/security if they leave. Carbine said if the place he was renting had a problem, he would leave. Metz said Carbine probably has the resources to find a new place that some in Quincy cannot. Carbine asked if the substandard housing made people powerless or if other issues made them powerless and the housing was just a factor? Metz asked how people can be protected from eviction for complaining. Lindsey said people cannot afford to move, with some not even having access to a vehicle to be able to move. Carbine said he's not convinced that substandard housing is the root cause, adding that he does not believe kids don't go to school because of where they live.

Eviction Process

Alford described the eviction process for a residential tenant. He said to evict, the landlord must follow state law and serve different notices to the tenant before proceeding to court. He said the notices depend on why the tenant is being evicted, ie no rent or damage. Alford said after notices served, if the tenant does not resolve the situation, the landlord can seek court action. He said tenant is then informed what they have done to warrant eviction. He said tenants can have legal representation in court. Alford said a judge will hear the case and decide whether eviction is warranted. He said if eviction is warranted, the tenant will have a few weeks to leave the property. Alford said generally, the process can take 60 days, though up to 90 for certain tenants.

Troup asked how this is different during Covid. Alford said during Covid, a tenant had to be damaging property or committing crimes to be evicted. He said they could not evict due to lack of rent payment. He said that will change as the eviction moratoriums come to an end.

How Other Communities Address Rental Housing/Registration

Monsignor Michael Kuse and Suzie Irwin-Wells spoke to the commission on behalf of the Safe & Livable Housing Committee. Kuse talked about his experiences as a landlord in other communities. He said everyone wants people to have safe and livable housing, adding that there needs to be improved communication and connection between renters and landlords. Kuse said the committee owes it to the community to come up with an ordinance that helps people and improves the city.

Irwin-Wells spoke about her experience as a landlord and the challenges landlords face, adding that where she previous lived; you had to pay higher fees to register a rental property. She described how the Safe and Livable Housing Committee had contacted more than a dozen cities with rental registration programs to identify what worked and what did not. She said Galesburg with 32,000 residents required a \$15/unit fee to register rental units. She said landlords could do a self inspection with the tenant, but if a complaint was filed, the city would inspect the property. After multiple city inspections, a unit could be closed for non-compliance.

Irwin-Wells said Normal, population 55,000 has about 950 buildings with nearly 9000 total rental units and the city's rental registration ordinance has been in place for decades (1968). She said the registration fees are \$50 for a single unit, \$75 for a duplex, and \$40 for a multi-family complex (+\$7/unit). There is also a fine for unregistered units or missed inspections. She also discussed Rock Island (population 38,000). Irwin-Wells said there are about 5,000 units there and the fee is \$35/unit with a discount for multiple units. She said there is also an inspection feel.

Irwin-Wells said this is an important issue for the Safe and Livable Housing Committee because the children must be protected. She said speed limits by schools, car seats are all means to protect children and this should be also.

Commissioner Discussion

Troup described how the work of the committee had been an evolving process. He said there is a lot of misinformation about this ordinance in the community, specifically about a landlord being charged with

a felony. He said the city has no power to charge a landlord with a felony based on a checklist for their property. Troup said the city will not require a landlord to self-certify the condition of their property, as previously proposed, though he said the checklist will be included as there would still be the option for random inspections.

Troup said the registration process will be free and will only take a few minutes to complete. He said after the previous meetings, the city will no longer seek tenant information from a landlord if a tenant lives in a single-family home. He said, instead, single-family, two-family and multi-family units will be treated the same. Troup said as long as a landlord owns a property, they will only have to register the property once. He said they would have to re-register if the property changes hands. Troup said the city is still accepting ideas/amendments for the ordinance.

Holtschlag asked if the city can simply enter a rental unit. Seaver said the tenant must allow them in or the city would have to find another method through the courts.

Krogman said he believes the registration is reasonable and that he appreciates the no cost fee. He said he is concerned about the random 5% inspection each year. He questioned how the city would find the problem units that way. Krogman also questioned the need for the program saying that he heard there were not a lot of complaints filed with the city about rental units. He said he would like to see a history of rental complaints. Krogman said it should also be much easier for renters to file a complaint. Troup told Krogman that a previous question he had about unanimous votes to change the program if approved was not feasible, but the city could add a supermajority provision, which would be 10 of 14 council members.

Conover said she had spoken with Quincy Public School Superintendent Roy Webb about the consequences of children living in substandard housing. She also brought up that Joliet charges no registration fee, but it does have a \$500 fine established for not registering.

Entrup asked if a tenant responsibilities section can be added to the code. Troup said that could be looked into. Lindsay thanked the committee for its work on the issue.

Troup said the next meeting would be August 18 at 4:30 pm. He said some of the topics would include complaint history, burden of derelict properties on taxpayers, and tenant responsibilities.

Public Comment

Troup opened the public comment portion of the meeting and reminded people they would have three minutes to comment.

Amy Anderson – Discussed her FOIA of nuisance complaints. Said she felt the issue was primarily in the 1st, 2nd, and 7th ward and said those wards should be represented on the committee. Multiple committee members said they lived in those wards.

Brandy Griswold – Said there should be safe and livable housing in Quincy. She said it's being made to feel like the landlords are the only offenders when there are a lot of owner-occupied homes that are in bad shape. She said it was not a landlord issue.

Tanner Freiburg – Said the agenda for the meeting was anti-landlord. He said it was not his responsibility as a landlord to make kids go to school. He said if tenants do not like a place, they can file a complaint and leave. He said he has heard the city only received a few complaints so this is an overreach. He said the problem is that tenants destroy properties. Freiburg said there is no way the city can do all the random inspections without charging a fee and adding staff. He said he's OK with registering his properties and that is it.

Kristina Gable – She works for SIU medicine and visits homes in the community. She said she has seen a lot in these visits: infestations, no water, broken appliances, no heat and so on. She said the committee must look at the burden placed on these families.

Kendell Passmore – She works for SIU medicine and also talked about being in the homes of clients throughout the community. She said she saw steps missing, ceilings caving in, kids face scrutiny at school for the homes in which they live. She said they suffer to avoid complaints

Lisa Wegoda – She said she is a landlord who serves on the safe and livable housing committee. She said she does not understand how people think substandard housing is acceptable. She said it's about basic safety.

The head of the Ladies of Charity in Quincy spoke about the people who come to their facility for help and the challenges they face with housing on a daily basis.

Jennifer Sander – She said she would like to see how the ordinance has evolved since the start with additions/deletions included so people can see the process. She said many good landlords will have to sell their properties because their tenants will make them unlivable. She said there will be more homelessness and that the city is not doing a good job of educating tenants. She suggested publishing a tenant's rights and responsibilities brochure.

Thomas Hurley – Said he's been a landlord for 21 years and lives in one of his own properties. He said all the information needed for contacting him in an emergency is located on his property tax bill.

Scott Koontz – He said there needs to be better communication. He said aspects of this plan could be a good thing because the good landlords want the bad landlords out. He said passing this at this time might be difficult given the lack of ability to evict due to Covid. He asked how it could be easier for tenants to come in and make complaints. Koontz also said that landlords should be given less time to make repairs so they don't just delay the process, citing the Welcome Inn closure

Mayor Troup described the timeline and decision-making for the closure of the Welcome Inn. He said what was most surprising to him was that the displaced people thanked him for taking action. He said the Welcome Inn was not closed due to minimum housing standards. Troup said the Welcome Inn was closed due to safety concerns and being an unsafe structure. He said to reopen, the owners must repair the structural issues and meet minimum housing standards. He said he had no problem shutting down other locations due to safety/structural issues.

Caleb Jansen – He said his properties are up to code and that the city should not harm the 95% good landlords to address the 5% bad landlords. He said due to Hannibal passing a rental registration, he looks to build units outside of the city. Jansen said there will not be as many units built in Quincy if this passes. He said you will shut down rental units, which will allow him to raise his rents.

Carol Schafer – Said she manages properties for about 20 owners. She said the ordinance should be tabled for at least a year to be better refined. She said the city should stress tenant responsibility and tenant education.

Ted Ford – Asked that any committee member that left the meeting should not be able to vote and that the city's legal counsel should not be able to leave the meeting.

Dan Nieswander – Said there are so many advocates for people living in substandard housing, but there are little to no complaints. He said everyone knows the bad landlords. He also said it is discriminatory to not go after the owner-occupied homes also. Troup said no one had presented a proposal for the city to consider. He said the landlords agree with minimum housing standards, but asked how the city better enforces that. Nieswander said tenants could retaliate for eviction as part of the process.

Melissa Sullivan – Said she is a realtor who owns several rental units. She said the talk of a bill of rights for tenants is a good idea. She said there does need to be minimum housing standards. She said the issue should be tabled until all sides can work out an agreement, with the local realtors agreeing to serve as ombudsmen if needed.

Ken Reiffer – Said he agreed that the agenda is anti-landlord. He asked how many complaints are

logged, including phone calls. Seaver said phone complaints are not logged, only log the forms that are filled out by the tenant. Reiffer said 95% of the landlords don't have problem properties. He said if the city did not know the Welcome Inn should have been shut down sooner, the city's head is in the sand.

Brandy Griswold – Asked if a landlord can grant access to a unit. Seaver said the tenant must authorize them to come in. Griswold said her lease allows her access with proper notice. She said she wants to be able to see the condition of the unit from time to time. Griswold asked if the inspectors could enter with the landlord. Seaver said that could be reviewed by legal counsel.

Roger Riney – Said tenant education is key. He said he offers to pay for his tenants to take an online financial resource course, but very few take him up on the offer. He said the city is dealing with landlords, who are a responsible group. He said landlords are dealing with tenants, who are an irresponsible group. Conover said she was glad to hear Riney was looking at tenant education and said the Safe and Livable Housing Coalition would like to speak with him about that.

Dan Sullivan – Asked how often the city uses administrative warrants to enter a property. Seaver said not often. Sullivan asked if the city was looking at owner-occupied homes. Troup said this ordinance addressed rental units. Sullivan asked if anyone had considered the ordinance violates the 4th and 5th amendments?

Todd Eyler – Eyler said he took offense when it was said no suggestions were made. Eyler said he provided a series of suggestions that have not been addressed other than the felony charge being removed. He said if there is a long list of deplorable homes in Quincy, why is no one contacting the city. Finney asked Eyler for a copy of his suggestions. Eyler said if people are not complaining about the housing, he does not understand why rental units are being targeted. Eyler said the city should go get the slumlords, adding that the good landlords can tell the city who they are. Troup asked Eyler to provide the city with a list of problem landlords and problem properties. Eyler said he would.

Lisa Wegoda – Wegoda said people are afraid to come forward.

Adjournment:

With no further public comments, Mayor Troup adjourned the meeting at 7:15 pm
Submitted by Jason Parrott, Community Development Planner, Quincy

Nuisance Abatement Case Summary

Nuisance Abatement – Cases – FY2016 to FY2020				
Fiscal Year	Cases	Tall Grass	Litter Accumulation	Work Orders
2015/16	751	188**	133**	*
2016/17	760	430	371	*
2017/18	780	309	319	399
2018/19	878	723	806	305
2019/20	1298	514	669	350
Total	4376	2164	2295	1054

*Not reported. Inspection began utilizing Smart Sheet in 2016/17.

** 2015-16 data for tall grass and debris litter is not complete.

Central Service Cost for Nuisance Abatement Work Orders

Nuisances Abatement – Costs by Central Service – FY 2016-FY 2020			
Fiscal Year	Total Hours - Employees	Total Cost – Labor/Benefits	Total Cost – All Expenses
2016	1066	\$21,287	\$32,053
2017	1829	\$37,156	\$53,463
2018	538	\$11,118	\$24,952
2019	1957	\$40,817	\$64,611
2020	1561	\$33,755	\$54,168
Total	6951	\$144,133	\$229,247

The average annual cost to the Department of Central Services, over the past five years, is approximately \$44,849, based on an average of 1,390 labor hours/year working on nuisance abatements. The total cost for labor of \$144,133 with an annual average amount of approximately \$28,826. The total cost category includes labor/benefits, materials, some demolition and some landfill costs. It does not include the cost of the gas required to fuel the nuisance abatement activities.

Nuisance Abatement Programs Cost Summary

Nuisance Abatement Cost Summary 2015 to 2020		
City Departments	5 Year Total	Average Annual Cost
Inspection – Staffing	*	\$58,500
Inspection – Fix or Flatten	\$270,000	\$90,000
Central Services – Staff	\$237,000	\$47,490
Central Services – Grass Mowing Contract	**	\$32,700
QPD - Abandoned Vehicles	\$62,600	\$12,840
Total	\$569,000	\$241,630

*Fulltime nuisance abatement inspection position started in 2018. City does not have 5 year of data.

** FY20/21 was first year of contract mowing of properties. City does not have 5 years of data

The average annual cost to Quincy tax payers to address vacant buildings, derelict or overgrown lawns, uncollected litter and abandoned vehicles from 2016 to 2020 was \$241,630. The table above presents the 5 year total of cost to for department that addresses nuisance abatements.

Tenant Responsibilities

Staff was asked to explore the possibility of adding tenant responsibilities into Quincy's municipal code. Staff examined the city codes of three communities in Illinois that specifically list tenant responsibilities/regulations, though these are by no means the only communities that do this.

GALESBURG, IL – Population @ 31,000

The City of Galesburg has a section in the code titled Responsibilities of Owners & Occupants. The city uses the term occupants instead of tenants because the code can also be applied to owner-occupied homes, thus the use of the term occupants to identify the person living in the home. Item A applies to the owner of the property while Items B-F apply to the person residing in the property.

- A) Every owner, agent or person in possession, charge or control of a dwelling containing two or more dwelling units shall be responsible for maintaining the shared or public area of the dwelling and premises thereof in a clean and sanitary condition.
- B) Every occupant of the dwelling or dwelling unit shall keep that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls in a clean and sanitary condition.
- C) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish, garbage and any other waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by § 150.165(F).
- D) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this subchapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply the service.
- E) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his or her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this division (E), whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- F) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

To summarize, the occupant is required to maintain a clean and sanitary condition; to properly dispose of all garbage in containers; to hang all screens unless the owner chooses to supply the service; to keep all plumbing fixtures clean and sanitary; and to exterminate any insects, rodents, or other pests. The extermination requirement falls on the landlord if the infestation is in multiple properties or in shared or common areas of a dwelling with two or more units.

The website for the city of Galesburg includes a list of Landlord Responsibilities and a list of Tenant Responsibilities that are available for distribution. The list of tenant responsibilities also includes replacing batteries in smoke and carbon monoxide detectors. Galesburg requires the registration of rental units. The registration fee is \$20 per unit per year.

Staff spoke with Judy Guenseth, who is the Housing Program Coordinator for the city of Galesburg. She said the city has two full-time inspectors who handle housing, rental units and nuisances and one part-time inspector who focuses solely on nuisances. She said staff uses a checklist that lists responsibilities of the owner, the occupant, and/or both.

Guenseth says Galesburg does operate a rental inspection program. She said the city is divided into sections and the city inspects every rental property in that section before moving on to another section. She said the goal, when the program was implemented, was to inspect every rental unit in the city within five years, a plan that was sidetracked by the pandemic. She said the department is focused primarily on complaint-driven inspections along with new rentals (including unregistered rentals), with the goal being to resume the random inspection program.

Guenseth said when doing a random inspection, the city provides notice to the landlord and the tenant three weeks in advance. She said her office does not immediately issue a fine for a violation, but rather, a report is issued with the repairs that are needed. She said the time-frame for completion of the repairs depends on the need for life-safety issues (missing carbon monoxide detector is given less time than a roof repair). If a landlord does not comply, they are referred to the city's administrative adjudication process, where they could be fined. A tenant could also be fined in that same process.

Guenseth says tenant permission is always required for an actual inspection. She said the preference is for the tenant to be present, but the tenant does not have to be present if the landlord provides the inspector a written note with the tenant's signature that allows the inspection to occur. If the complaint is from the tenant, the tenant must be present. She said the tenant must be aware that a government person is coming in. She said entrance can be gained without tenant permission through a warrant based on third party knowledge.

Guenseth said when the rental inspection program was implemented, the city held three informational sessions and posted a video online. She said owners are required to fill out a rental inspection checklist for all of their units and affirm they are accurate once every five years.

URBANA, IL – population @ 43,000

The city of Urbana has a series of tenant obligations included in its code. There are also requirements regarding what can and cannot be included in a lease between a renter and a tenant. For example, the lease cannot be written to waive rights and remedies that are laid out in the city code. Looking specifically at the tenant obligations:

Sec. 12.5-17. Tenant obligations.

The tenant shall:

- (1) Comply with all obligations imposed upon tenants by provisions of city code applicable to occupants of a rental unit;**
- (2) Keep that part of the premises that he or she occupies and uses as safe as the condition of the premises permits;**
- (3) Dispose from the rental unit all ashes, rubbish, garbage and other waste in a clean and safe manner;**
- (4) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, in the premises;**
- (5) Not deliberately nor negligently destroy, deface, litter, damage, impair or remove any part of the premises or knowingly permit any person to do so;**
- (6) Conduct himself or herself and require other persons on the premises and within the rental unit with his or her consent to conduct themselves in a manner that will not disturb the neighbors;**

- (7) Maintain the rental unit in a clean and sanitary condition and provide for a general cleaning of the rental unit prior to departure. As part of such cleaning, the tenant will broom sweep and mop the floors, vacuum all rugs and carpeting, and clean all appliances and plumbing fixtures;
- (8) Unless otherwise agreed to in writing by the landlord, not apply any part of a security deposit as part of obligated rent payments; and
- (9) Hold the landlord harmless from claims for property loss for which the landlord is not responsible and which the tenant's own insurance should cover.

Similar to the city of Galesburg, the tenant is responsible for keeping their unit safe; disposing of ashes, garbage and other waste; reasonable use of all electrical, plumbing, sanitary, heating and other utilities/amenities; not destroying, damaging, littering, or impairing any part of their unit; conducting themselves in a manner to not disturb their neighbors; and maintaining a clean unit, including sweeping, mopping, vacuuming, and cleaning appliances and plumbing fixtures.

A tenant has the right to repair a housing code violation and seek a reduction in their rent payments if the landlord fails to repair a housing code violation. The tenant must inform the owner in writing of their intention to make the repair, giving the owner one more opportunity to complete the work before the tenant can complete the work and be reimbursed through rental reduction. The tenant can also seek substitute housing if an essential service is not being repaired, with the tenant not being required to pay rent while out of the property. The money spent on the alternative housing could be deducted from future rent payments as well. If the failure to address housing code violations persists, the tenant could be allowed to terminate the lease with further financial compensation, per the section of code below.

Sec. 12.5-23. Tenant remedies for landlord's failure to maintain.

- (a) If the landlord fails to disclose to the tenant in writing any cited housing code violations as required in this article, or to correct any condition constituting a subsequently cited housing code violation within the time specified in a duly served notice to correct such cited housing code violation by the building official, the tenant affected by the condition may notify the landlord in writing of the tenant's intention to correct the condition at the landlord's expense. If the landlord, after receipt of such notice by the tenant, fails to correct the condition within the time specified for the performance of any act required by the notice of the building official or any duly granted extension thereof, the tenant, after first obtaining a contractor's firm certificate of insurance from the qualified appropriate tradesman who is to perform the work, and after furnishing such certificate to the landlord in the case of any work to be done on the premises, may have the work done in a competent manner and, after submitting to the landlord a paid itemized invoice and, where applicable, a properly completed waiver of lien, may deduct from his or her rent the amount thereof.
- (b) If the cited housing code violation is one involving essential services which a landlord fails to supply contrary to the rental agreement, or if such violation is one giving rise to a hazardous condition which materially and immediately affects health and safety, the tenant affected by the condition may, in the alternative to the remedy set forth above, after the city's deadline for compliance has passed, notify the landlord in writing of the tenant's intention to:
 - (1) Procure reasonable amounts of heat, hot water, running water, electricity, gas or other essential service during the period of the landlord's noncompliance and deduct their cost from the rent; or
 - (2) Procure substitute housing during the period of the landlord's noncompliance, in which case the tenant is excused from paying rent for the period of the landlord's noncompliance. The tenant's actual cost of substitute housing may be deducted from the rent, provided that the amount deducted shall not exceed the average cost for a hotel/motel room in Urbana.
- (c) If the landlord fails to provide essential services or to correct the hazardous condition within the time specified in the notice to correct the cited housing code violation or any extension granted by the building official, or if any such similar uncorrected condition or uncorrected interruption of services for any significant period recurs and is cited by the city more than three (3) times in any twelve-month period, the tenant may vacate the premises and terminate the rental agreement, in which case the tenant may recover from the landlord all rent payments not applied to rent accrued prior to the termination of

the rental agreement and all damage or security deposits not rightfully applied to damages to the rental unit.

- (d) The provisions of this section may not be used by the tenant more than three (3) times during any twelve-month period nor may the combined total dollar amount so deducted or excused during any such period exceed two (2) months' rent. If the tenant proceeds under this section, the tenant may not proceed under any other sections for such breach.
- (e) The tenant may not exercise his or her rights under this section if the condition was caused by the inability or unwillingness of a utility supplier to provide service or by the deliberate or negligent act or omission of the tenant, a member of his or her family, or other person on the premises with the tenant's consent.

The city of Urbana also has a section that addresses retaliatory conduct against tenants. A tenant is protected from retaliation for properly reporting a code violation to a government agency, reporting a violation to a landlord, exercising any right allowed in city code or organizing a tenant association. If found to be in violation, the tenant could seek two months rent plus attorney fees from the landlord.

Sec. 12.5-26. Retaliatory conduct.

- (a) Except as provided in this article, a landlord may not retaliate by decreasing services or by bringing or threatening to bring action for possession or by refusing to renew a rental agreement because the tenant has:
 - (1) Complained in good faith of a code violation to a government agency charged with the responsibility for the enforcement of such code;
 - (2) Complained to the landlord of a violation of any of the provisions of this article;
 - (3) Organized a tenant association or complained to the Tenant Union, Student Legal Service, or similar private or governmental organization about a violation of the provisions of this article or a violation of the rental agreement;
 - (4) Exercised or attempted to exercise any right or enforce any remedy granted to the tenant under this article.
- (b) If the landlord acts in violation of subsection (a), the tenant has a defense in any retaliatory action against him or her for possession and shall be entitled to recover possession, an amount equal to two (2) months rent and reasonable attorney's fees.

EVANSTON, IL – population @ 75,000

The city of Evanston has a very similar code to Urbana regarding rules for rental agreements and tenant responsibilities. Evanston does allow the landlord and tenant to enter into a good-faith agreement that the tenant is responsible for certain repairs, alterations, and maintenance tasks so long as it is known that this does not diminish the obligations of the owner to maintain portions of the property. Evanston does allow the landlord to contest a code violation if the improper care of a tenant resulted in the violation.

The tenant shall:

- (A) Comply with all obligations imposed upon tenants by provisions of the codes applicable to the dwelling unit;
- (B) Keep that part of the premises that he/she occupies and uses as safe as the condition of the premises permits;
- (C) Dispose from his/her dwelling unit all ashes, rubbish, garbage and other waste in a clean and safe manner;
- (D) Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;
- (E) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, in the premises;
- (F) Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so;

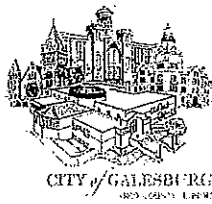
- (G) Conduct himself/herself and require other persons on the premises with his/her consent to conduct themselves in a manner that will not disturb his/her neighbor's peaceful enjoyment of the premises; and
- (H) Not engage in or permit the unlawful selling, possession, serving, storage, deliverance, manufacture, cultivation, giving away or use of any controlled substance; prostitution; or gambling on the leased premises.

The landlord and tenant of any dwelling unit may agree that the tenant is to perform specified repairs, maintenance tasks, alterations or remodeling only if:

1. The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration; and
2. The agreement does not diminish or affect the obligation of the landlord to other tenants in the premises.

5-3-9-1. RETALIATORY CONDUCT.

- (A) Except as provided in this section, a landlord may not retaliate by increasing rent or decreasing services or by bringing or threatening to bring action for possession or by refusing to renew a rental agreement because the tenant has:
 1. Complained in good faith of a code violation to a government agency charged with the responsibility for the enforcement of such code;
 2. Complained to the landlord of a violation under Subsection 5-2(D) or Section 5-3 of this chapter;
 3. Organized or become a member of a tenant union or similar organization; or
 4. Exercised or attempted to exercise any right or enforce any remedy granted to him/her under this chapter.
- (B) If the landlord acts in violation of subsection (A) of this section, the tenant has a defense in any retaliatory action against him/her for possession and is entitled to the following remedies: he/she shall recover possession or terminate the rental agreement and, in either case, recover an amount equal to not more than two (2) months' rent or twice the damages sustained by him/her, whichever is greater, and reasonable attorney fees. If the rental agreement is terminated, the landlord shall return all security and interest recoverable under Section 5-1 of this chapter and all prepaid rent. In an action by or against the tenant, if there is evidence of a complaint within one year prior to the alleged act of retaliation, it may be presumed that the landlord's conduct was retaliatory. The presumption does not arise if the tenant made the complaint after notice of a proposed rent increase.
- (C) Notwithstanding subsections (A) and (B) of this section, a landlord may bring an action for possession if:
 1. The violation of a code was caused primarily by lack of care by the tenant, a member of his/her family or other person on the premises with his/her consent; or
 2. The tenant is in default in rent, other than a purported default under Subsection 7-3 of this chapter.



Tenant Responsibilities

Based upon City of Galesburg's Housing Minimum Standards.
Available online on the City of Galesburg website.

- ❖ You are required to keep the rental unit clean and sanitary including all plumbing fixtures. This includes sinks, faucets, tubs, showers and toilets.
- ❖ You are required to provide reasonable care in proper use and care of all plumbing fixtures.
- ❖ You must remove trash from your unit to appropriate garbage facilities or garbage storage containers with tight fitting lids.
- ❖ You are required to prevent and eliminate pests inside your unit such as fleas, rodents, and insects including bedbugs and cockroaches.
- ❖ You are required to keep smoke and CO detectors working and replace with batteries as needed.
- ❖ You are required to keep windows screened unless the landlord agrees to do so.

(309)345-3612 Clerk's Office

(309)345-3619 Planning Department

For information on Tenants and Landlord Rights see the following link on the Illinois Attorney General's website
<http://www.ag.state.il.us/consumers/landlordtenantrights0404.pdf>



Landlord Responsibilities

According to City of Galesburg Housing Minimum Standards and Rental Licensing
Available online at the City of Galesburg website

- ❖ You are required to license each unit annually through the City of Galesburg Clerk's Office.
- ❖ You, or your appointed agent, are required to live or maintain an office in Knox County, IL.
- ❖ You must keep the rental unit in compliance with the Housing Minimum Standards and make all necessary repairs.
- ❖ Every unit shall have safe, unobstructed means of egress leading to a safe and open space at ground level as required by the laws of this State and the City.
- ❖ Each unit is required to have a kitchen sink properly connect to water and sewer, meeting the requirements of the State Department of Public Health.
- ❖ Each unit is required to have working, private toilet facilities connected to City water.
- ❖ You are required to keep all common areas lit at all times, and trash and vermin free.
- ❖ If the owner fails to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. If infestation exists in two or more of the dwelling units in any dwelling, extermination shall be the responsibility of the owner.
- ❖ If a dwelling has two or more units, a fire extinguisher must be placed in a common area.
- ❖ You must provide adequate rubbish and garbage facilities or storage containers with tight fitting lids or covers.
- ❖ You must provide 24 hours tenant access to electrical breaker boxes for each unit.
- ❖ You must provide and install smoke and CO₂ detectors with working batteries with each new tenant.
- ❖ You must keep the rental unit in compliance with state and local health and housing codes.

(309)345-3612 Clerk's Office
(309)345-3619 Planning Department

For information on Tenants and Landlord Rights see the following link on the Illinois Attorney General's website

<http://www.ag.state.il.us/consumers/landlordtenantrights0404.pdf>

3.26.2018

City of Galesburg

Housing Inspection Checklist

Pass	Fail	Address: _____	Unit type (circle one) Single Family - Duplex - Multi-Unit - Other _____
		Owner: _____	Phone: _____
		Common areas of the multi-unit rentals are clean and sanitary (landlord). Unit is in a clean and sanitary condition (tenant). Garbage is disposed of properly, containers must have tight-fitting lids. 150.169AB+C, 150.165F	
		Screens hung appropriately by tenant or unless owner agreed to do so. 150.169D	
		Proper extermination of pests in rental unit by Tenant, common areas by Owner. 150.169E	
		Kitchen sink in good working order and connected to water supply. 150.165B+J	
		Every bathroom surface shall be reasonable impervious to water and easily cleaned. 150.167E	
		Plumbing fixtures are in a clean and sanitary condition (Tenant). Every plumbing fixture, water & waste pipe shall be maintained in good sanitary working condition, w/out defects, leaks and obstruction. 150.165C+E, 150.167D, 150.169F	
		One private toilet & bathing facilities for each unit, connected to water supply. (Not shared by other units.)150.165D+E	
		Every habitable room shall have light and ventilation either through natural or mechanical means.150.166C+D	
		Working water heater heats water to 120°F. Heating units installed, operational per code, heat to 68°F. 150.166E	
		Every habitable room shall have 2 separate and remote electrical outlets; bath and laundry rooms shall have at least one outlet; kitchen shall have 3 outlets--all installed according to code and properly connected. 150.166F	
		All non-habitable space (utility, laundry) shall have a min. of 1 electric light fixture available at all times. 150.166H	
		Public halls & inside stairways shall always be adequately lighted (1 60 wt bulb every 30ft, covering 200 sq ft). 150.166B	
		Basement windows & openings used for ventilation must be screened to prevent rodent entry. 150.166I	
		Habitable basement devoid of water leakage, has required window space that is above grade unless a code required window well is in place. 150.168 E	
		All exterior walls shall have coverings and flashing installed, maintained in order to provide protection from the weather/deterioration. 150.166K	
		Every stairway, porch shall be maintained in a good state of repair and capable of supporting a normal load. Handrails when required. 150.166M	
		All construction and installations comply with City and State Housing Code requirements. 150.166J	
		All outbuildings kept in good repair and don't harbor vermin. 150.166N	
		Unit meets minimum space and room height requirements. (Dwelling 150 sq ft for 1st person, add 100 sq ft for each additional person. Bedrms min of 70 sq ft for 1st person, add 50 sq ft for each additional person[applies to new or modified dwellings]. Habitable Rooms ceiling ht of 7'. In attics 7' ht no less than 2/3 of floor area.) 150.168B+C, 150.166O	
		Every foundation, floor, wall, ceiling, chimney and roof shall be reasonably weathertight, watertight and rodent-proof; capable of affording privacy and kept in good repair. 150.166K+L, 150.167B	
		Every window, exterior door, basement hatchway shall be reasonably weathertight, watertight and rodent proof and kept in good repair. 150.167C	
		Access to bathroom not through another sleeping room. Access to sleeping room not through another sleeping room or bathroom. (applies to new or modified dwellings.) 150.168D	
		Safe exit from each unit to ground level. Each bedroom in a new or modified dwelling shall have 2 means of exit, one may be a window to the outside. 150.165G+H	
		More than one unit shall have a fire extinguisher in a common area. 150.165I	
		Smoke and Carbon monoxide detectors present and in working order according to state law. 150.001, 150.003	
		Unit is licensed with City of Galesburg Clerk's Office. All rental units shall be licensed annually. 150.277A	

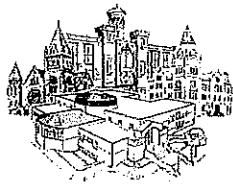
Tenant's signature _____ Date: _____ Printed Name: _____

(Please ensure address is listed at the top of the page)

Owner's Signature _____ Date: _____ Printed Name: _____

I hereby affirm that the information as provided on this inspection checklist is true to the best of my knowledge and hereby acknowledge that any knowingly false statements can subject the afore signed to the penalties under the law or revocation of license. (Please check box to affirm statement.)

City of Galesburg
 Office of the City Clerk
 55 West Tompkins Street
 Galesburg, Illinois 61401
 Phone (309) 345-3612



Rental Housing License Form

Landlord: Address		Amount Due:	
Telephone (Day):		Rental Address:	
Telephone (Night):		Unit(s):	
Agent:		HUD Unit:	
Email Address:			*must attach HUD inspection form

*Landlords residing outside of Knox County must designate an agent who lives or works in Knox County to act on their behalf.

- Any rental unit not previously registered or licensed with the City of Galesburg shall not be rented or allowed to be occupied without first having an inspection which meets minimum standards for the rental unit. The City will inspect the new rental unit within 10 business days of initial contact by the prospective landlord.
- Any units that will be vacant for the entirety of the annual license cycle may be exempt from registration. Any landlord attempting to exempt their property shall be required to submit a sworn statement affirming such a fact.
- If more room is needed, please use the back of this form.

Unit #	Tenant Name

- For information on the City's Rental Housing Licensing Program visit www.ci.galesburg.il.us
- I hereby affirm that the information as provided in this application is true to the best of my knowledge and hereby acknowledge that any knowingly false statements can subject the undersigned to the penalties under City Code.

Signature _____

Date _____

Mail completed form(s) and payment to:
 City of Galesburg
 City Clerk's Office, P.O. Box 1387
 Galesburg, IL 61402-1387

Your check payment may or will be processed as an electronic fund transfer. Your original check will not be returned by your financial institution. Funds may be debited from your bank account on the same day the payment is received.

ORDINANCE 21 - _____
AN ORDINANCE REQUIRING THE REGISTRATION
OF RESIDENTIAL RENTAL PROPERTY

WHEREAS, the City of Quincy (hereinafter “City”) desires to protect the public health, safety and welfare of its citizens within the incorporated area of the City and maintain a high quality of life for the citizens of the City by maintaining the supply of safe, decent, and sound housing stock in the City; and

~~**WHEREAS**, the City finds that rental properties account for a disproportionate share of the nuisance conditions and other problems affecting the public’s health, safety and welfare, and impose disproportionate municipal costs; and~~

WHEREAS, a wide variety of different nuisance conditions, including the physical conditions of the property, all harm the public health, safety and welfare; and

WHEREAS, the City recognizes the need for an ongoing regulatory instrument to reduce the number and recurrence of nuisance conditions in the municipality; and

WHEREAS, the City has already adopted property maintenance codes to regulate building standards for the interior and exterior of structures, their premises, and the condition of a property as a whole; and

WHEREAS, the City concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of rental property located within the City to ensure that such property is in compliance with the minimum property maintenance standards adopted and enforced by the City; and

WHEREAS, a Residential Rental Property Registration Committee was formed and held meetings to assist in drafting this Ordinance;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY as follows:

Section 1. The Council finds that the implementation of the following changes and additions will assist the City in providing for the health, safety, and welfare of the citizens of the City;

- 1.** That the foregoing recitals represent the purpose and intent of this Ordinance and as such shall be incorporated as though fully set forth herein. In the event of any ambiguity or invalidity regarding the enforcement of this Ordinance, it is the intent of the corporate authorities that this Ordinance be liberally construed or reformed to accomplish the purpose and intent so described.

2. There is hereby added to Chapter 154 (Housing Standards), Sections 154.30 through Section 154.4341, Registration of Rental Property, to the Municipal Code of the City of Quincy (2015) which shall read as follows:

SECTION 154.30. REGISTRATION OF RENTAL PROPERTY

Sections 154.30 through 154.43-41 may be referred to as the Registration of Rental Property Act.

Sec. 154.31 PURPOSE AND INTENT

It is the purpose and intent of the Council to protect the health, safety, and welfare of the City and to ensure Owners and occupants share responsibility to prevent and avoid nuisances in the City. The purpose of this Section is to identify rental property in the City, to ensure that such properties afford tenants a safe and decent place to dwell, and to require rental property with substandard conditions to meet and maintain minimum building and housing code standards and exterior maintenance standards. The Council has determined that requiring all rental properties be registered with and inspected by the City serves these legitimate governmental interests.

Sec. 154.32 DEFINITIONS

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Authorized Agent shall mean a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property Owner to the Code Official to manage a Residential Rental Property, including the authority to receive notices or citations, schedule and/or attend inspections, is at least 18 years old, and resides in and/or maintains an office in Adams County, Illinois, or is otherwise located within fifty (50) miles of the corporate limits of the City of Quincy.

Certificate of Registration shall mean a certificate bearing the signature of the Code Official certifying that a Residential Rental Property is registered pursuant to this Section.

Code Official shall mean the Director of Inspection and Enforcement or his/her designee.

Department shall mean the Office of Inspection within the Department of Planning and Development.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the City to enforce the applicable code(s).

Owner shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court having jurisdiction. The Authorized Agent, as defined in this Section, shall not be considered the Owner.

Residential Rental Property shall mean any improved structure or portion of a structure within the City which is occupied by someone other than the Owner of the real property for residential purposes, including but not limited to the following: any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home, mobile home park, mobile home space, town home, or condominium and for which the Owner receives any value or consideration, including but not limited to money, or the exchange of goods or services, regardless of the relationship between lessor and lessee.

Residential Rental Unit shall mean a dwelling unit which is not Owner-occupied and which is rented, offered for rent, loaned, let or hired out by any person to any other person including a dwelling unit being sold on contract, regardless of whether or not that contract has been recorded.

Tenant shall mean an occupant of a Residential Rental Unit.

Sec. 154.33 APPLICABILITY; SCOPE

The provisions of this Section shall apply to all Residential Rental Property located within the City.

Provisions of this Section shall be supplementary and complementary to all provisions of this Code, and any local, state or federal law. Nothing herein shall be construed or interpreted to limit any existing right or power of the City to abate and prosecute any and all nuisances or to enforce any other conditions in violation of state or local laws, including but not limited to any building, housing, property maintenance, and public nuisance laws.

(A) EXEMPTIONS: the following Residential Rental Property shall be exempt from the requirements of this Section:

- a. Public housing owned by a governmental agency.
- b. Rental units owned, managed or operated by an educational, religious, or medical institution, or by a third party for an educational, religious, or medical institution, when units are used for the sole purpose of housing employees, students, clergy, patients, or others directly related to the institution.
- c. Any rental units in a state licensed hospital, hospice, community care facility, intermediate care facility, or nursing home.

Sec. 154.34 ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section 154.30 the City does hereby establish a registry cataloging each Residential Rental Property within the City, containing the information required by this Article.

(A) REGISTRATION OF RESIDENTIAL RENTAL PROPERTY

- (1) No person shall lease or operate a Residential Rental Property, or shall rent or let any Residential Rental Unit, without first having registered it with the City of Quincy and complying with the provisions of this Section. Each registration shall be issued only for the Residential Rental Property and to the Owner named in the application and shall not be transferable or assignable.
- (2) Every Owner of Residential Rental Property shall, prior to permitting occupancy thereof by any person or not later than October 1, 2021, register the property with the Office of Inspection on forms or other manner as directed. A separate registration is required for each Residential Rental Property. A registration shall remain valid unless there should occur a change in information contained therein or; a change in ownership, ~~or unless a registration is suspended or revoked pursuant to Subsection 154.37 of this Section.~~
- (3) Registration pursuant to this Section shall contain the name(s), direct mailing address, direct contact name, telephone number, and e-mail address for the Owner, and, if the Owner does not reside within fifty (50) miles of the Residential Rental Property, the name and twenty-four (24) hour contact phone number for the Authorized Agent. Additionally, a Certificate of Insurance for the Residential Rental Property must be provided for each property. The registration shall also identify the name(s), direct mailing address, direct contact name, telephone number, and e-mail address for at least one of the persons authorized by the Owner to occupy a Single Family Residential Rental Property.
- ~~(4) No Certificate of Registration shall be issued until a Self-Certification has been completed by the applicant in accordance with Section 154.35. No Certificate shall be issued unless it is determined by the Code Official that the completed Self-Certification indicates no material violations of this Section or of the requirements of Section 154.01 referenced therein.~~
- ~~(5)~~(4) At the time of initial registration, there shall be no fee. Penalties for non-compliance with registration shall be in accordance with Sections 154.37 and 154.42-41 of this Ordinance.
- ~~(6)~~(5) Any person or other legal entity that has registered a property under this Section must report any change of information contained in the registration within thirty (30) days of the change. If Insurance for the Residential Rental Property is suspended or lapses, said suspension or lapse of insurance shall be reported within five (5) days.

(7)(6) If the Residential Rental Property is sold, the new Owner is subject to all the terms of this Section. If the new Owner does not immediately occupy the property, the new Owner shall register the Residential Rental Property or update the existing registration within thirty (30) days of the sale. Any and all previous unpaid fees, fines, and penalties due at the time of initial registration or which have been assessed since are subject to enforcement per this Section. The previous Owner will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Residential Rental Property. The provisions of this Section are cumulative with and in addition to other available remedies. Moreover, the City is authorized and empowered to collect on the previous Owner's non-payment of previous fees, fines, and penalties in any lawful manner.

(8)(7) If the Residential Rental Property is not registered within thirty (30) days of when the registration is required pursuant to this Section, a late fee as provided in Section 154.42 40 below shall be assessed. This Section shall apply to the initial registration, and registrations required by subsequent Owners of Residential Rental Property.

(9)(8) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this Ordinance is a violation of this Section and shall be subject to enforcement by any of the enforcement means available to the City.

(10)(9) Registration of a Residential Rental Property does not alleviate the Owner from obtaining all required licenses, permits and inspections required by applicable code or Illinois Statutes.

Sec. 154.35 INSPECTIONS OF RESIDENTIAL RENTAL PROPERTY~~Sec. 154.35 — SELF-CERTIFICATION PROGRAM~~

~~(A) The City may select Residential Rental Property owned by frequent Nuisance Ordinance and Property Maintenance Code violators for inspection.~~

Comment [BA1]: Removed up to 5% annual inspection of residential rental property

~~(B) The City may select Residential Rental Property which was previously not in compliance with the registration requirements of this Section for inspection.~~

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~~(C) The City may inspect any Residential Rental Property for which a Certificate of Insurance was not provided or that no longer has insurance coverage.~~

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~~(D) The City may randomly select Residential Rental Property within a specified census tract using statistical data or case information for inspection.~~

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~~(A) The City shall develop a Self-Certification Program. Documentation of annual property inspections shall be on such forms as provided by the Code Official.~~

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~~(B) All forms required by this Section shall be signed under penalty of perjury. It shall be unlawful to knowingly falsify any material information on a form and any such falsification may be prosecuted as a misdemeanor.~~

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~~(C) The City shall conduct an annual audit of the Self-Certification Program. As part of this audit, up to 5% of Residential Rental Property in the Self-Certification Program, and a sampling of units thereon, may be inspected by the City each year. A Residential Rental Property that is selected for an audit inspection under this Subsection, and passes the inspection, shall be exempt from further audit inspections for three (3) years from the date of the audit inspection. After the three (3) year period has expired, the Residential Rental Property shall again be eligible to be inspected pursuant to this Subsection.~~

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~~(D) The City may select Residential Rental Property owned by frequent Nuisance Ordinance and Property Maintenance Code violators for inspection.~~

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~~(E) The City may select Residential Rental Property which was previously not in compliance with the registration requirements of this Section for inspection.~~

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~~(F) The City may randomly select Residential Rental Property within a specified census tract using statistical data or case information for inspection.~~

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~~(G) If a Residential Rental Property is not in compliance with applicable code(s), the Owner, or if the Owner does not reside within fifty (50) miles of the Residential Rental Property, the Authorized Agent, shall cause to have performed the work necessary to bring the Residential Rental Property into compliance with the applicable code(s), and the Owner or Authorized Agent must perform regular inspections to verify compliance with the requirements of this Section, and any other applicable code(s) and law(s).~~

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~~(H) In addition to the above, the Residential Rental Property is required to be secured in accordance with the applicable code(s) of the City.~~

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~~(I) Failure of the Owner to properly inspect and secure a Residential Rental Property subject to this Section and applicable code(s) is a violation and shall be subject to enforcement by any of the enforcement means available to the City. The City may take necessary action to ensure compliance with this Section and recover costs and expenses in support thereof.~~

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~~(J) The City may inspect Residential Rental Property on which a complaint has been made.~~

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Sec. 154.36 VIOLATIONS

The following shall constitute violations of this Section:

- (A) Failure of the Owner, Owners, or Authorized Agent of the Residential Rental Property to register such property with the Code Official, ~~prior to advertising a Residential Rental Property or allowing occupants to occupy such Residential Rental Property.~~

~~(B) Failure of the occupants of a Residential Rental Unit or Residential Rental Property to vacate such Unit or Property within sixty (60) days after a registration has been revoked.~~

~~(C) Failure of the Owner, Owners, or Authorized Agent of a Residential Rental Unit or Residential Rental Property to vacate all tenants from said property within sixty (60) days after a registration has been revoked.~~

~~(D) Charging or collecting rents for a Residential Rental Property or Residential Rental Unit where such property or unit is not properly registered under Section 154.34(A) of this Section.~~

~~(E) Failure of the Owner, Owners, or Authorized Agent of the Residential Rental Unit or Residential Rental Property to maintain the structure and premises in compliance with the applicable building codes, property maintenance codes and zoning Ordinances.~~

~~(F)(B) Any person other than an Enforcement Officer from the Department who removes or defaces any notices which have been posted pursuant to this Section without the approval of the Code Official shall be liable for the penalties provided by this Section.~~

~~(G) Failure of the Owner or Owners of the Residential Rental Property to comply with any other applicable provision of this Section or this Code.~~

~~(H) Failure of the Owner to place a copy of the Certificate of Registration and a Tenant Complaint form in the utility room of each Residential Rental Unit.~~

~~(I) Where any of the following conditions exist:~~

- ~~a. The maximum occupancy of the Residential Rental Property has been exceeded;~~
~~or~~
- ~~b. Where additional dwelling and/or rooming units have been added without the prior approval of the City; or~~
- ~~c. Unlawful basement sleeping or sleeping in rooms not provided with an emergency escape and rescue opening.~~

Nothing contained in this Section shall prevent the City from pursuing all available remedies for violations with respect to Residential Rental Property, including but not limited to its right to condemn a property as unlawful pursuant to Section 154.01 of this Code, in addition to any other legal and equitable remedies available to the City.

~~Sec. 154.37 REGISTRATION; SUSPENSION AND REVOCATION~~

~~(A) A registration may be suspended when violations of applicable City Codes have been identified by the Code Official and the property Owner has been properly notified of the violations and given a reasonable period of time in which to correct violations, but has failed to do so. A registration may also be suspended when any information~~

~~provided in the registration application is determined by the Code Official to be false.~~

~~(B) When an inspection of a registered Residential Rental Property reveals any violations of applicable codes, a compliance time frame will be set by the Code Official using the standard as set forth in Section 154.01 of this Code. The Code Official shall send notice to the property Owner and the listed Authorized Agent by regular U.S. mail or e-mail with delivery confirmation at the last address provided on the most recent registration application. Said notice shall include the following:~~

- ~~1. Description of the Residential Rental Property and, if applicable, the Residential Rental Unit, sufficient for identification;~~
- ~~2. A statement listing the violations of applicable codes;~~
- ~~3. A statement of the date upon which a reinspection must occur on or before; and~~
- ~~4. An explanation that if upon completion of the reinspection that the requirements of applicable City codes have not been met, that the registration for the Residential Rental Property shall be suspended.~~

~~(C) A reinspection will be conducted no later than the end of the compliance time frame. If the Code Official finds that the requirements of applicable City codes have not been met upon the completion of such reinspection, the registration for the Residential Rental Property shall be suspended.~~

~~(D) When a registration is suspended, the Code Official shall send notice to the property Owner and the listed Authorized Agent at the last address provided on the most recent registration application. Said notice shall be sent by certified mail, return receipt requested or by e-mail with delivery confirmation, or personally served upon the property Owner or the Authorized Agent listed on the most recent registration application. Should notice be attempted via certified mail, return receipt requested or by e-mail with delivery confirmation is unsuccessful, posting of the notice on the rental property shall suffice as proper notice. The notice shall include the following:~~

- ~~a. Description of the Residential Rental Property sufficient for identification;~~
- ~~b. A statement of the reasons for the suspension;~~
- ~~c. An explanation of the property Owner's right to appeal the suspension;~~
- ~~d. If the property Owner changes his address or changes property agents and fails to notify the Department, such notice shall be sufficient if sent by certified mail and email with delivery confirmation to the Owner or his Authorized Agent's last address provided on the last registration application.~~

- ~~(E) A property Owner whose registration has been suspended may request a reinspection prior to revocation. If, upon reinspection, the Department finds that the registered Residential Rental Property is now in compliance with this Section, the Code Official may reinstate the registration. The request for a reinspection shall not stay the revocation of the registration unless the Code Official grants such request pursuant to a showing of good cause by the Owner or Authorized Agent.~~
- ~~(F) Any person or entity whose registration has been suspended shall be entitled to appeal the suspension by filing a petition with the Office of the Mayor, as provided in Section 154.38.~~
- ~~(G) A registration may be revoked when a petition for appeal has not been filed within twenty (20) days following the date of issuance of an order of suspension, or if the suspension is sustained after appeal. A registration may also be revoked when, in the opinion of the Code Official, emergency conditions exist in a Residential Rental Property or Residential Rental Unit which requires the immediate vacating of a structure or unit as specified in the City's Property Maintenance Code.~~
- ~~(H) A registration which has been properly revoked, as herein provided, shall not be reinstated. The property Owner or Authorized Agent may, however, obtain a new registration after all violations have been corrected and by following the procedures for obtaining a new registration as set forth in this Section, including the payment of all applicable fees.~~
- ~~(I) If a registration is revoked without having the opportunity of a suspension hearing, the property Owner or Authorized Agent has the right to appeal the revocation. Said appeal shall conform to Section 154.38 of this Section. Such an appeal shall operate as a stay of the revocation until such time as the Hearing Officer renders a decision on the appeal.~~
- ~~(J) Whenever a registration is revoked, the Code Official shall send notice to the Owner or the Authorized Agent at the last address provided on the most recent registration application. Said notice shall be sent by certified mail, return receipt requested or email with delivery confirmation. The Code Official shall also notify all tenants and occupants of the Residential Rental Property by posting a notice on all entrances to the residential rental structure. The notice to the property Owner, Tenants, and occupants shall include the following:~~
- ~~a. *You are hereby notified that the registration for this structure has been revoked pursuant to Section <Ord. Sec.> of the Municipal Code of the City of Quincy and the continued occupancy of this structure as a Residential Rental Property is unlawful.*~~
 - ~~b. *You must vacate this structure within sixty (60) days of the date of this notice.*~~

~~e. Failure to vacate this structure is a violation of Section 154.01 of the Municipal Code of the City of Quincy, and penalties or fines including in the minimum amount of \$100 may be imposed each day for as long as the registration remains revoked and this structure remains occupied by persons for which a rental registration is required. In addition, pursuant to Section 154.01 of the Municipal Code of the City of Quincy, it is unlawful to charge or collect rents for this property while the registration remains revoked.~~

~~Any tenant of the Residential Rental Property may appeal the Code Official's order to vacate the structure because the Owner has failed to register said property with the Department. Said appeal shall conform to Subsection 154.38 of this Section. Such an appeal shall operate as a stay of the order to vacate the structure until such time as the Hearing Officer renders a decision on the appeal.~~

~~The Code Official may defer the issuance and posting of a notice to tenants or occupants to vacate a structure pursuant to this Subsection when the Code Official determines, that the Owner or Authorized Agent has failed to obtain a rental registration as a means to cause the removal of the tenants or occupants of a structure in lieu of other lawful legal process, or where the Code Official otherwise determines, that the purposes of this Section would not be served by the issuance and posting of a notice to vacate a structure.~~

Sec. 154.38 – APPEALS

- ~~(A) Any person directly affected by a decision of the Enforcement Officer or notice or order issued under this Section shall have the right to file an appeal to the Mayor of the City of Quincy. The Mayor shall appoint a Hearing Officer to conduct an appeal proceeding. Such an appeal shall operate as a stay of revocation until such time as the Hearing Officer renders a decision on the appeal. The Hearing Officer considering any such petition may immediately revoke the registration, continue the suspension to a definite compliance date with revocation being the penalty for noncompliance, or dismiss the charges and reinstate the registration.~~
- ~~(B) An appeal stays all proceedings in furtherance of the action appealed from, unless in the opinion of the Code Official, a stay would cause imminent peril to life or property.~~
- ~~(C) The Hearing Officer shall set a reasonable time, not less than thirty (30) days from the filing date of the appeal for the hearing and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any interested party may appear. The Hearing Officer may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination and has all the powers of the official from whom the appeal is taken.~~

Sec. 154.39–37 PROVISIONS SUPPLEMENTAL

Nothing contained in this Section shall prohibit the City from enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or Ordinance.

| **Sec. 154.40-~~38~~ OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY**

Whoever opposes, obstructs, or resists any Enforcement Officer or any person authorized by the Enforcement Office in the discharge of duties as provided in this Section, shall be punishable as provided in Section 10.99 of this Code.

| **Sec. 154.41-~~39~~ IMMUNITY OF ENFORCEMENT OFFICER**

Any Enforcement Officer or any person authorized by the City to enforce the Registration of Rental Property Act shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Residential Rental Property while in the discharge of duties imposed by this Section.

Sec. 154.42-40 FEES

The fees set forth below shall be imposed on the Owner of any Residential Rental Property upon the occurrence of the described activity:

Failure to register by deadline	\$100.00 per Residential Real Property
Late payment on registration fee or any imposed fee that is 30-60 days overdue	25% of the amount of the imposed fee
Late payment on registration fee or any imposed fee that is 60 or more days overdue	50% of the amount of the imposed fee
Suspended Registration	\$100.00 per Residential Real Property
Revoked Registration	\$500.00 per Residential Real Property

Each day during which a violation of this Section continues or is permitted to exist shall be considered a separate and distinct offense.

Sec. 154.43-41 AMENDMENTS

~~Registration fees and penalties outlined in this Section may be modified by an Ordinance passed and adopted by the Council. In order to amend or repeal sections 154.30 through 154.41, or any portion thereof, a vote of 2/3 of the Corporate Authorities then holding Office is required.~~

Section 2. SEVERABILITY

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or Section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 3. REPEALER

All Ordinances or parts of Ordinances in conflict herewith, are hereby repealed and replaced.

Section 4. CODIFICATION

It is the intention of the City Council, that the provisions of this Ordinance shall become and be made a part of the City Code of Ordinances; and that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "Ordinance" may be changed to "Section", or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. EFFECTIVE DATE

This Ordinance shall become effective sixty (60) days from the date of adoption.

ADOPTED _____
City Clerk

APPROVED _____
Mayor

Officially published in pamphlet form this _____ day of _____, 2021.

