

ORDINANCE NO. 2018 - 1561

**AN ORDINANCE AMENDING TITLE 9 OF THE VILLAGE CODE
OF THE VILLAGE OF PEORIA HEIGHTS FOR THE PURPOSE OF
ADDING A NEW CHAPTER 8A PROVIDING FOR THE REGISTRATION
OF PROPERTIES RENTED FOR RESIDENTIAL PURPOSES**

WHEREAS, it is in the best interests of the Village and its citizens to promote the proper maintenance of residential rental property in the Village; and

WHEREAS, the village through the exercise of its home rule power has the authority to approve the regulations hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, THAT:

Section 1. Title 9 of the Village Code of the Village of Peoria Heights is hereby amended by the addition thereto of new Chapter 8A pertaining to the registration of properties rented for residential purposes which shall read as follows:

**Chapter 8A
RESIDENTIAL RENTAL REGISTRATION CODE**

9-8A-1: PURPOSE:

This chapter is intended to promote the maintenance of rental housing stock in the Village by enforcement of property maintenance, life safety, and health codes through periodic building inspections and annual registration.

9-8A-2: DEFINITIONS:

The following terms when used in this chapter shall have the indicated meanings unless the use or context clearly indicates another meaning is intended:

- A. **Acceptable Unit:** A residential rental unit that is free of violations of the Housing Codes that pose a threat to tenants or the public, and free of substantial violations that do not pose an immediate threat to tenants or the public.
- B. **Division 31.1:** 65 ILCS 5/11-31.1-1 et seq. of the Illinois Municipal Code.
- C. **Housing Inspector:** The employee of the Village and the subordinates or designees of such employee responsible for the administration of this Residential Rental Registration Code. The Housing Inspector shall be under the direct supervision of the _____.
- D. **Housing Codes:** _____
- E. **Manager:** Any person or entity exercising managerial authority over rental property with or without the consent of the owner of such property, including, without limitation, the maintenance of the property or the collection of rent. Managers are subject to the same obligations under this chapter as owners.
- F. **Owner:** Any person, partnership, firm, limited liability company, corporation or other entity having a legal or equitable interest in rental property; whether or not evidence of such interest is recorded in the

official records of the State of Illinois, County of Peoria, or Village of Peoria Heights.

- G. Registration Period: The one year period beginning on January 1 of each calendar year and ending on December 31 of that year.
- H. Rental Property: Any property containing one or more residential rental units located within the Village.
- I. Residential Rental Unit: Any individual dwelling unit in rental property such as an apartment, duplex unit, condominium unit or a single-family home. An owner occupied single family residence or a vacant single family residence not intended to be rented does not qualify as a residential rental unit
- J. Rent: The consideration, including any payment, deposit, benefit, service, bonus or gratuity, bargained for, demanded, accepted or received by an owner for or in exchange for the use or occupancy of a residential rental unit.
- K. Unacceptable Unit: A residential rental unit having one or more violations of the Housing Code that pose a threat to the life, health, or safety of tenants or the public, or having multiple violations of the Housing Codes that do pose an immediate threat to tenants or the public.

9-8A-3: REGISTRATION REQUIRED:

- A. Except as otherwise provided in this Section, every owner of rental property whether vacant or occupied, shall annually file a registration statement with the Housing Inspector on forms provided by the Housing Inspector. Registration statements must be filed prior to the commencement of each registration period, unless ownership or control of a given rental property is transferred, in which case the new owner shall register within 30 days of said transfer as provided in paragraph (D) of this Section. The registration period for the calendar year during which this chapter is adopted shall commence on the effective date of this chapter and end on December 31 of that year.
- B. An owner of an owner occupied single-family residential unit or a vacant single family residential unit not intended to be rented is exempt from the registration of the residential unit. However, such an owner shall at the request of the Housing Inspector file a sworn statement with such inspector attesting to the status of the residential unit as an owner-occupied residence or as a vacant residential unit that is not intended to be rented.
- C. Registration of the following structures is not required:
 - 1. Owner occupied single-family homes and that portion of a duplex or multifamily structure occupied by the owner.
 - 2. Owner occupied condominiums.
 - 3. Hotels and motels.
 - 4. Nursing homes.
 - 5. Rooming houses.
 - 6. Bed and breakfast establishments.

- D. Transfer of ownership. The new owner of a rental property shall file a registration statement within 30 days of transfer of ownership. Any fee paid by the prior owner shall apply for the new owner until the end of the year during which the sale occurred.
- E. The registration statement shall include:
1. The address of the rental property.
 2. The type of building, number of units in the rental property, and the address of each residential rental unit.
 3. The name, street address, mailing address and telephone number of the owner of the rental property.
 4. If the owner of the rental property is a partnership, corporation, limited liability company, land trust or other legal entity, the registration statement shall contain the name, street address, mailing address and telephone number of each person or entity having more than a 5% interest in such entity and of the manager or other person responsible for maintenance of the property.
 5. The name, street address, mailing address and telephone number of the person designated to receive notices prescribed by this chapter. The identity and contact information for the person designated to receive notices is presumed to be correct in the absence of a revised registration statement providing alternate information.
- F. The Housing Inspector may, at any time, require additional relevant information from the owner to clarify or verify information in the registration statement.
- G. Upon the filing of a registration statement, the owner shall pay a fee as provided in Section 9-8A-9. Registration statements are not completed or filed unless accompanied by the required fee. Registrations filed after January 1 of the registration period shall be assessed a late fee in the amount provided in Section 9-8A-9 in addition to any other fines or penalties provided in this Chapter.
- H. All registration statements must be signed by either the owner or the manager. The person signing the registration statement shall be deemed to have certified that he/she has personal knowledge that the statements contained in the form are true and correct.
- I. It is unlawful to rent any residential rental unit unless a current registration statement for that unit has been filed as required by this section.

9-8A-4: INSPECTION:

- A. All residential rental units shall be periodically inspected to determine if they comply with the Housing Codes. Based upon the inspection, each residential rental unit shall be rated as an acceptable unit or an unacceptable unit.
- B. Residential rental units shall be inspected on a rotating basis, prioritizing for inspection those units judged by the Housing Inspector to be most likely to have serious violations of Housing Codes. In no instance shall a residential rental unit go for more than three years without an inspection. Notwithstanding the rotating nature of the inspection a residential rental unit may be inspected at any time if the Housing Inspector determines, based upon the number and/or nature of complaints pertaining to the unit,

that inspection is necessary to protect the life, health or safety of tenants of the public.

9-8A-5: INSPECTION NOTICE REQUIREMENTS:

- A. Except in the case of an emergency as determined by the Housing Inspector, such Inspector shall send notice of the date and time that the inspection of a rental property or residential rental unit is to take place at least ten days prior to the date of the scheduled inspection. Notices shall be mailed to the address of the person designated in the registration statement as the recipient of notices. The owner or owner's agent shall within two days thereafter notify the tenant occupying any affected residential rental unit of the pending inspection by providing a copy of such notice to the tenant.
- B. Upon receipt of the notice of inspection, the owner shall have five business days to ask the Housing Inspector to reschedule the inspection. Extensions shall be allowed for good cause, as determined by the Housing Inspector. The maximum extension allowed shall be five business days from the date specified in the original inspection notice.
- C. Notices of inspection shall advise the owner and the owner's tenant of his or her right to refuse inspection of the rental property or residential rental unit and the Village's right to seek the issuance of an administrative search warrant in the event of any such refusal. No inspection of an occupied residential rental unit shall occur without the consent of the tenant/occupant unless an administrative search warrant is first obtained.
- D. Within thirty business days after the inspection, the Housing Inspector shall notify the owner of inspection results and whether the residential dwelling unit has been classified as acceptable or unacceptable. Inspection results shall be mailed to the address of the person designated in the registration statement as the recipient of notices pertaining to the rental property.
- E. If a residential rental unit or rental property fails to meet the requirements set forth in the Housing Codes, the Housing Inspector shall issue to the owner, manager, if applicable, and tenant a written notice of the Violations containing the following information and directives:
 - 1. A description of each alleged violation of the Housing Codes in substantially the language of the applicable code section with such additional detail as the Housing Inspector deems necessary to fully advise the owner or manager of the nature of the violation.
 - 2. A description of the residential rental unit where the violations are alleged to exist by street address or legal description.
 - 3. A reasonable time depending upon the nature and extent of each violation but not exceed sixty (60) days for the correction of each violation. Times for correcting multiple violations shall be computed concurrently.

9-8A-6: OWNER'S RESPONSIBILITIES RELATED TO INSPECTION:

- A. The owner, the manager or the occupant of the unit shall be present at the time of an inspection in order to provide access for the inspection.
- B. Except when the tenant occupying a residential rental unit refuses to allow access, the owner shall allow access to all residential rental units in a rental property at the time scheduled in the notice of inspection.

- C. If the Housing Inspector reasonably determines that the person designated in the registration statement is not receiving notices prescribed by this chapter, such inspector may post at the property any and all notices concerning the property which is the subject of the notice. Notices posted under such circumstances shall be deemed to have been property served.
- D. Owners or their agents shall contact the Village at least five days prior to a scheduled inspection if they are unable to obtain their tenants' consent to the inspection.

9-8A-7: ENFORCEMENT:

- A. The Housing Inspector shall enforce the provisions of this Chapter.
- B. The Building Inspector may refuse to issue any permit required under the Village Code for any construction, alteration, installation, demolition or other work done in or on any rental property, unless the owner or other applicant for such permit has a current registration statement on file with the Housing Inspector.
- C. The Building Inspector may refuse to issue any permit required under the Village Code for construction, alteration, installation, demolition or other work done in or on any rental property for which fines pertaining to violations of the code remain unpaid, until the total amount of such fines, court costs, and any unpaid accounts or bills for water service or other Village services to said rental property are paid in full.

9-8A-8: ADOPTION OF DIVISION 31.1:

Division 31.1 which allows for the adoption of said Division 31.1 and the establishment of a code hearing department is hereby adopted in its entirety; provided, however, that despite the provisions of paragraph 11-31.1-1(b) to the contrary notwithstanding, the building inspector as defined in Division 31.1 may within the Village be either a part time or full time employee of the Village. The Housing Inspector as defined as section 9-8A-2(b) of this chapter shall serve as the building inspector as defined in Division 31.1. The President of the Village may appoint a hearing officer to perform the functions assigned to such hearing officer under the provisions of Division 31.1 as deemed necessary by the President to perform the duties assigned to such hearing officer under the provisions of Division 31.1 or this chapter 9 of the Village Code. The adoption of Division 31.1 does not preclude the Village acting through the Housing Inspector or otherwise from using other methods to enforce the provisions of the Housing Codes or any other applicable code of the Village through any other means including, without limitation, filing complaints alleging violations of such codes in Peoria County Circuit Court.

9-8A-9: OTHER REMEDIES:

Nothing in this Chapter shall prevent the Village from taking action under the Housing Codes or any other applicable Village code or ordinance for any violation thereof or limit the right or authority of the Village to seek injunctive relief or other appropriate legal remedy for any violation of such code or ordinance.

9-8A-9: FEES:

- A. The Village shall assess the following fees for registrations and inspections required by this Chapter:

1. A registration fee of \$100.00 per residential rental unit; provided that the registration fee for multi-unit apartment buildings with more than four (4) residential units in a single building shall be \$25.00 per residential unit.
2. An inspection fee of \$75.00 per residential rental unit.
3. Second re-inspection appointment fee: \$50.00 per residential rental unit.
4. Penalties and late fees for delinquent registration statements and inspection fees: A penalty of 10% of the amount due shall be imposed for such amount due under the provisions of this Chapter which is not paid by the due date plus 2% interest per month thereafter on the amount of any delinquent payment of any amount due under this chapter.

9-8A-11: PENALTIES FOR VIOLATION:

The general penalties established at Section 1-4-(A) shall apply to violations of this Chapter. Each day that a violation continues shall constitute a separate offense for which a separate penalty may be assessed.


Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the Peoria Heights Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

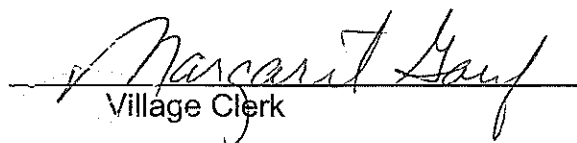
PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION AND APPROVED BY ITS PRESIDENT THIS 19th DAY OF JUNE, 2018.

APPROVED:



President

ATTEST:



Village Clerk