



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Administrative Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: January 4, 2007

SUBJECT: AN ORDINANCE ADOPTING A REGISTRATION AND INSPECTION PROGRAM FOR RESIDENTIAL PROPERTIES BEING RENTED WITHIN THE CITY OF URBANA, ILLINOIS

Introduction & Background

Please refer to the August 10, 2006, August 24, 2006, September 21, 2006 and September 28, 2006 Memoranda for Introduction, Background, Program Description, Issues Discussion and Legal Analysis of the proposed Rental Registration and Inspection Program.

Update

At the December 4, 2006 City Council meeting, the Council reviewed and forwarded an amended version of the Ordinance for final consideration at the January 16th meeting. A copy of this most recent amended version is attached with revisions shown by means of strike-outs and underlines.

Implementation Schedule

Councilmembers have requested additional information about public outreach, education and implementation pursuant to anticipated adoption of the Rental Registration Program (RRP). Assuming the program is adopted by ordinance on January 16th, the following timeline for implementation will be pursued:

| | |
|------------------------|---|
| January 4, 2007 | Final Council Committee discussion of RRP |
| January 16, 2007 | Council adoption of RRP Ordinance (anticipated) |
| Jan. 16 – Feb 15, 2007 | Initial Public Outreach and Education Efforts |
| February 16, 2007 | Effective date of Ordinance |
| | First year's billing to be sent with payments due in 30 days (8 month or 66% billing) |
| March 16, 2007 | First year's billing and registration due |
| March 16, 2007 | Start expanded systematic inspection program with minimum two housing inspectors and assignment of classifications. |
| September 15, 2007 | Send bills for second year of program (12 months or 100% billing) |
| October 15, 2007 | Second year's billing and registration due |

July 2008

18-month report and evaluation of program, inspection progress, and review of fees due to Council

As previously estimated, the City will be able to provide a 5-year cycle for inspections of all rental properties with the current staffing of two housing inspectors. Addition of a third inspector at some point in the future would reduce the cycle to three years. A three- to five-year cycle for inspections is recommended. At the time of the 18-month report to Council, the pace and effectiveness of the inspections will be evaluated.

Public Outreach and Education Efforts

Once the RRP has been adopted, staff will immediately undertake a public outreach and education effort. This will consist of a direct mail to all known addresses with rental housing by use of a data base that has already been compiled. The direct mail will consist of a cover letter with contact information, a copy of the adopted ordinance, a list of common code violations, a copy of the Rental Agreement Addendum form (form to be revised by Legal), and a copy of the registration form/bill. Copies of these draft materials are attached.

Public outreach will also occur with continued presentations to the Central Illinois Apartment Association (CIAA) and inserts in their newsletter. The general population will be informed through placement of display ads in the News Gazette and Daily Illini, public service announcements, website posting, UPTV ads, and other press coverage. This outreach will be particularly important to alert people who rent property but may not be listed in our data base because they currently reside at the property, have very recently acquired property, or other reasons.

We anticipate that there will be extensive public contact during the initial 30 days of program roll-out. On or about February 16, 2007, property owners will receive their first partial year's billing and registration form. This form will be sent via US Mail and will require payment in person or by mail. It is anticipated that future renewals and registration will allow web-based payments, such as currently occurs for parking tickets, recycling, and sewer benefit taxes. Submittal of the registrations and payments will allow for building registration data and refinement of the City's rental property data base.

Property Classifications and Improvements

While the City of Urbana has been conducting systematic inspections of rental multi-family properties for over 20 years, the RRP will expand the program by introducing systematic inspections of single-family and duplex units and will involve the collection of additional registration information.

Once the registration forms are submitted, the City will begin its expanded systematic inspection program. This program will utilize the same zones as are currently established in the City and will have one tracking of multi-family properties and a second concurrent tracking for single-family and duplex properties. This dual tracking will allow the City to accommodate the somewhat slower

schedule anticipated for initial inspections of single-family and duplex properties, most of which have never been inspected by the City.

One feature of the program will be the assignment of classifications to the inspected properties. These assignments will be applied at the time of the initial inspection. The classifications are not meant as any form of warrant or certification and are proposed for purposes of helping to determine the frequency of future inspections. The classification system is also meant to serve as a form of incentive for apartment owners to seek to reduce the number of violations prior to the initial inspection. The efficacy of the classification system will be evaluated at the time of the 18-month of the program. An example certificate of registration and assignment of classification form is attached.

One concern that has been raised is the probability that some older single-family and duplex units may not meet property maintenance and building code requirements without the need for extensive improvements. In these cases, the inspectors will work with the property owner to develop a reasonable timeframe for completion of the improvements. In some cases, a variance from the requirements of the property maintenance code could be sought from the Property Maintenance Code Board of Appeals. However, there will be cases, such as basement units in older structures without proper egress, where it will not be economically feasible to retain the unit and make the necessary improvements. However, such cases would in all probability involve a significant compromise to residential safety. One of the primary goals of the RRP is to improve rental occupant safety and there will be instances where this will result in the loss of an unsafe unit.

Security Plan Assistance

One of the unique aspects of the City's RRP is the inclusion of safety and security measures in the Ordinance. Councilmembers have asked for additional information on the suggested contents for a security plan and key tracking system, as set forth in Section 13. Staff has conducted research into these questions and obtained ideas from the CIAA. Attached is example form and content for a key tracking system that can be modified by the property owner. Also attached is a list of example security plan measures utilizing Crime Prevention through Environmental Design (CPTED) approaches and other suggestions promoted by Campbell DeLong Resources, Inc., a leading trainer and author in the area of crime prevention in apartment complexes (www.cdri.com).

As noted in Section 13.e of the Ordinance, Urbana Police and Community Development Department staff are available to meet with property owners on an individual basis to help design security measures and approaches that make sense for individual situations.

Recommendations

Staff recommends that the Urbana City Council review the above information on implementation of the RRP and offer any suggestions.

Attachments:

1. Draft Ordinance with Markup, December 29, 2006
2. Draft Rental Agreement Addendum (to be revised by Legal)
3. Draft Rental Property Registration and Payment Form
4. Draft Cover Letter to Rental Property Owners
5. List of Common Code Violations
6. FAQ for Rental Registration Program
7. Form of Certificate of Registration with Classification Assignment
8. Landlord Key Tracking Tips and Master Key Tracking Form
9. Building and Unit Security Plan Tips

Cc: Sally Eisfelt, CIAA

City of Urbana
Proposed Rental Registration Program
Draft Ordinance
December 29, 2006

ORDINANCE NO. 2006-08-109

AN ORDINANCE ADOPTING A REGISTRATION AND INSPECTION PROGRAM
FOR RESIDENTIAL PROPERTIES BEING RENTED WITHIN THE CITY OF
URBANA, ILLINOIS

WHEREAS, the City Council finds there are a growing number of residential rental properties within the City, and that many of these properties are in a declining state of maintenance, and;

WHEREAS, inadequate maintenance directly affects the health, life, safety and welfare of the citizens of Urbana and impacts the health and vitality of the surrounding neighborhood and the City as a whole, and;

WHEREAS, the City of Urbana promotes the use of community policing efforts and cooperation with property owners and residents to help ensure the safety of the entire community, including residential rental properties, and;

WHEREAS, the regular collection and maintenance of accurate, up-to-date information about residential rental properties and the identification of responsible persons for the property who are easily accessible will assist the City in the systematic inspections of these properties to ensure their safety and compliance with relevant property maintenance codes, and:

WHEREAS, the City Council, after several public hearings and extensive deliberation, concludes that a rental registration program which includes regular inspections of rental properties, is the most reasonable method of insuring suitable housing, safe and viable neighborhoods and a healthy City,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Purpose. It is the purpose of the City of Urbana Rental Registration and Inspection Program adopted herein to assure that rental housing in the City is maintained in a good, safe, and sanitary condition and does not create a nuisance or blighted conditions to its surroundings. To ensure these conditions and to aid in the enforcement of the Property Maintenance Code, Building Safety Code, Zoning Ordinance, and other relevant provisions of Urbana Code of Ordinances, the City Council hereby establishes this Rental Registration and Inspection Program for all applicable residential rental units within the City.

Section 2. Scope. This Ordinance applies to any dwelling unit and their accessory units that are leased as rental units located within the City of Urbana, with the following exceptions:

- (1) nursing homes, as defined in the Urbana Zoning Ordinance;
- (2) hotels and motels, as defined in the Urbana Zoning Ordinance;
- (3) public housing, owned by a governmental agency;
- (4) University Certified housing.

Section 3. Definitions. The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

Building Official means the Director of the Community Development Services Department, or his/her authorized designee.

Property Maintenance Code means Article IX of Chapter 5 of the City of Urbana Code of Ordinances, as amended.

Duplex means a building with two (2) Rental Units.

Local Agent means one or more persons who has charge, care, or control of a building in, or part thereof, in which rental units are maintained.

Multi-Family Building means a structure that contains three (3) or more Rental Units.

Owner means one (1) or more persons, jointly, severally or in common, or any organization, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage in possession. As used herein, an organization shall include a corporation, trust, estate, partnership, association or any other legal or commercial entity.

~~means one (1) or more persons, jointly, severally or in common, or any corporation or organization, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership of a property held in trust. It shall also include a mortgagee in possession.~~

Rental Property means a structure with one or more residential units which are leased to individuals or families for occupancy. However, it does not include property excluded in Section 2.

Rental Agreement means all agreements, written or oral, and rules ~~means all agreements and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit and~~

~~premises~~ and regulations embodying the terms and conditions concerning the use and enjoyment of rented premises.

Rental Unit means one (1) or more rooms in a structure arranged, designed and used as a residence or living quarters by one (1) or more persons who are not its owner(s), and contained within a rental property as defined herein.

Rent, Rented or Rental means any payment made to an Owner or an Owner's agent pursuant to a rental agreement.

Single Family Dwelling means a structure with one (1) rental unit

Section 4. Registration of Rental Property.

a) After the effective date of this Ordinance, it shall be unlawful for any owner, as defined herein, to lease or operate a rental property without registering it with the City of Urbana Building Official and complying with the provisions of this Ordinance, together with other applicable codes and ordinances of the City of Urbana. The registration of rental properties required herein shall expire on the 14th day of October of each year. However, the fees for 2006 through 2007 shall be prorated according to the effective date of this Ordinance.

b) No owner shall be allowed to register any property if the owner has outstanding fees or fines due and owing to the City.

c) Registration may be denied or revoked by the Building Official as provided in this Ordinance. If registration is denied or revoked, the Building Official shall notify the Owner or Owner's Agent, in writing, of the denial and the reasons therefore, pursuant to Section 17 of this Ordinance and provides an opportunity to appeal the decision pursuant to Section 18 of this Ordinance.

Section 5. Application Requirements. Applications for registration shall be filed with the Community Development Services Department and accompanied by a registration fee as established in the Schedule Fees in Chapter 14 of the Urbana City Code. Such application shall be made at least thirty (30) days prior to the expiration of the registration, and shall include the following information:

- a) Name, street address and telephone number of the owner of the rental unit.
- b) Name, street address, and telephone number of the owner's agent responsible for the management of the premises of the rental unit.
- c) Legal address of the premises.
- d) Number of units in each building within the rental property.
- e) Occupancy as permitted under the Zoning Ordinance, or as specified in the Certificate of Occupancy.

- f) Signed statement of owner and owner's agent indicating that he/she is aware of the City's Building Safety codes and Zoning (occupancy) codes and the legal ramifications for *knowingly* violating said codes.
- g) The name and address of the registered agent, if the Owner is a corporation.
- h) The name and address of the mortgage holder, if there is a mortgage on the Rental Property.
- i) The name and address of any buyer on a Contract for Deed.

Section 6. Registration Renewal. If there are no changes in ownership or agent representation, renewals of the registration may be made by filling out the Registration Renewal form furnished by the City and paying the appropriate fee.

Section 7. Changes in Ownership Within thirty (30) days of any change of ownership of a rental property, the new owner shall reregister the property by filing the registration information and form set forth in Section 5. There shall be no additional charge for the remaining period of the annual registration. A change of ownership shall include any change in ownership rights, including execution of a Contract for Deed, whether recorded or not.

~~Any changes occurring in the ownership of a rental unit shall require the new owner to apply for registration within thirty (30) days of taking ownership. There shall be no charge for registering new owner information during the registration period.~~

Section 8. Fees.

a) It being the goal of the City that the Rental Registration and Inspection Program be self-supporting, the Council shall establish a two-tiered schedule of registration fees: 1) for Single-Family Dwellings and Duplexes , which shall be applied on a per building basis; and 2) for Multi-Family housing, which shall be applied on a per building and per unit basis. The Building Official shall review income from fees and expenses of this program, and make recommendations to the Council on any appropriate adjustments in the fee schedule. Fees shall also be set for failure to register, incomplete registration information, failure to register by the due date, and re-inspections of Rental Properties.

b) HUD assisted low-income permanent housing projects for seniors, persons with disabilities, and/or homeless individuals shall be eligible for a waiver of fees by the Building Official.

bc) It shall be illegal for any Owner or agent of the Owner to charge a tenant or tenants, a fee greater than the actual pro rata cost of the registration fee and to attribute that greater than actual fee to the City. Any explicit pass-through of the registration fee must be accurately represented, calculated and communicated to the tenant in order to be effective, regardless of how the fee may be characterized in any lease documents.

Section 9. Inspections. Both the interior and exterior of properties registered under the Rental Registration and Inspection Program shall be periodically inspected by the City as set forth herein.

a) The Building Official shall establish a schedule of periodic inspections of Multi-Family, Single Family, and Duplex Rental Units to ensure compliance with this ordinance as well as the property maintenance and building codes contained within Chapter 5 of the City Code and the permitted use and residential occupancy provisions contained within Article 5 of the Urbana Zoning Ordinance.

b) The inspection schedule for Multi-Family, Single Family, and Duplex Rental Units shall be determined by the following factors:

- (1) By systematic zones throughout the City, as previously established by Administrative Order (see separate published map of Systematic Inspection Zones).
- (2) By tenant or neighbor complaints about a particular structure or area of rental properties, and/or as indicated by Fire and Police calls or exterior nuisance complaints about a structure or area.
- (3) By the inspection effort proportionate to the amount of the housing stock in each rental housing type: multi-family, single-family, and duplex.
- (4) The inspection class assigned to a particular building, pursuant to Section 10 of this Ordinance.
- (5) The overall condition of the neighborhood in which the property is located.
- (6) The frequency of prior inspections and date of most recent inspection of the property.

c) Notice of Inspection and Right to Refuse.

- (1) Notice of periodic inspections of rental units, pursuant to this Section, shall be given in writing to each owner and each tenant of such rental unit, a minimum of seven (7) days prior to the inspection. Such notice shall be presumed to have been received as of the time it was served personally on such person, or if mailed by first class U.S. Mail ten (10) days prior to the inspection, it will be presumed to have been received at least seven (7) days prior to the inspection. In such notice, the tenants may be addressed as “occupants” and one such notice mailed to the address of the rental units, shall be regarded as notice to all tenants. Notice to the owner, if mailed, shall be addressed to such owner at the address provided for such Owner in the application to register the Rental Property.
- (2) The notice shall advise that objections to such inspection may be lodged by telephone, fax, or e-mail or in person at the City’s Community Development Services Department.

- (3) If any owner or any occupant objects to a periodic inspection, no inspection of the rental unit shall be undertaken without an administrative search warrant issued by a Court of competent jurisdiction, setting forth the general scope of the inspection.
- (4) Failure to reschedule an inspection or respond to a notice of inspection shall be treated as agreement to the date and time of the proposed inspection. The Owner shall be liable for the cost of re-inspection if the Owner or his/her Agent fails to provide access to the Rental Property as scheduled. Failure to provide access as scheduled or rescheduled, shall also constitute a violation of this Ordinance.
- (5) The notice and warrant requirements of this sub-section do not apply to inspections conducted pursuant to other parts of the City Code.

Section 10. Assignment of Classifications. Upon completion of a Rental Property's inspection, the property shall be classified by the Building Official according to the classification system set forth herein. Property will be considered for reclassification at each subsequent inspection. However, an inspection shall not be deemed necessary for designation as Class F in sub-section e).

- a) CLASS A - Building has no violations of applicable City Codes. Building inspected as lower priority on regular cycle thereafter.
- b) CLASS B - Building has violations of applicable City Codes and the violations do not pose an immediate threat of danger to the life, health and safety of the occupants of the building. Building inspected on regular cycle thereafter.
- c) CLASS C - Building has violations of applicable City Codes that are in excess of ten in number and/or that affect the overall livability of the building, but do not pose a threat of danger to the life, health or safety of the occupants of the building. Building may be inspected as frequently as every year thereafter.
- d) CLASS D - Building has violations and is either unsafe, contains unsafe equipment, is unfit for human occupancy or is unlawful. Pursuant to the Property Maintenance Code, the Building Official may disallow occupancy of all or a portion of the building until Code violations are corrected. The Building Official may inspect the property on a regular basis to verify that it remains in compliance with City Codes.
- e) CLASS F- Building is not in compliance with the Rental Registration Program and may not be occupied for rental. Violations leading to a Class F designation shall include: (1) failure to register after three (3) attempts at notification of such requirements by the City; (2) false information on the application which affects the health, life and safety of the residents; (3) failure to renew registration after three (3) notifications have been issued by the City of such requirements; (4) failure to comply with the City's building codes, health, life, safety codes, or Property Maintenance Code

after notification and an opportunity to remedy violations; (5) willful failure to abide by occupancy limits as set forth in the City's zoning ordinance; (6) repeated failure to abide by provisions of the Urbana City Code which directly affect the quality of life of the neighborhood, including but not limited to, noise ordinances, nuisance provisions, animal control ordinances, drug violations, and violations of the Illinois Criminal Code which affect the safety and quality of life of the surrounding neighborhood.

f) CLASS N – New construction within past twenty-four (24) months. First inspection will occur on the next inspection cycle as lowest priority.

Section 11. Publication of Class Listings and Violations.

a) As a public service and an incentive for improved compliance, the City shall periodically publish a list of properties ~~with their receiving a “Class D” or “Class F”~~ designation pursuant to Section 10 of this Ordinance. This list shall be considered public information and shall be available upon request as well as posted on the City website. Listings of pertinent violations for “Class D” or “Class F” properties shall also be considered public information and available upon request.

b) Any property receiving an “A” classification shall receive a placard suitable for posting on the property. The placard may be publicly displayed until such time as the City changes the classification.

Section 12. Local Agent Required. If the owner of any rental unit covered under this ordinance does not reside within sixty (60) miles of the rental unit, and is not able to be contacted, or is not able to be contacted on a 24-hour basis, the owner shall provide the City with the name, address, and phone number of his/her local agent who resides within Champaign County or an adjoining County and is available to respond reasonably in the event of an emergency on a 24-hour basis.

Section 13. Safety and Security. To ensure the safety of all residents of rental properties, every Owner shall:

a) Establish a building and unit security plan, including a key tracking system.

b) Restrict regular access to building and unit keys to occupied Rental Units to the Owner or the Owner's Agent. Keys may be issued to vendors and contractors for the purpose of maintenance and repair, but in such cases the Owner or Owner's Agent shall take responsibility for the tracking and prompt return of such keys in order to protect the safety and security of tenants. If keys are lost in the course of maintenance and repair activities, the Owner shall promptly change locks at his/her own expense.

c) Cooperate with the City and its Police Department to address continuing safety issues and crime problems at any rental property. This

cooperation shall take the form of at least one meeting with City officials and, if necessary, an inspection of the property to review security and crime issues for formulation of remedies. The resulting security plan may include, but is not limited to, a review of access and security issues, lighting, access to common areas, crime prevention through environmental design (CPTED), neighborhood watch programs, graffiti removal, No Trespass Notices, lease clauses, and such other measures which are appropriate to the individual property and the type of problems at issue. ~~If an owner fails to take reasonable steps to remedy identified problems, the City may revoke the Owner's registration of the Rental Property.~~

d) Every Owner or Local Agent of a Multi-Family Building containing twenty (20) or more units shall attend a city-sponsored training about crime prevention at rental properties. Said training shall be conducted on an as-needed basis by the Urbana Police Department and other relevant City staff.

e) The Urbana Police Department and Community Development Services Department shall compile and provide educational materials to assist Owners and tenants with safety and security concerns. Such materials may include assistance with developing security plans, model leases, crime prevention information, emergency contact information, etc.

Section 14. Occupancy of Rental Units. Occupancy of residential rental properties shall be restricted and monitored as follows:

a) Every Owner of a Rental Unit subject to this Ordinance, shall inform the tenants, before entering into a Rental Agreement, that no more than one (1) household (as defined in Section II-3 of the Urbana Zoning Ordinance) and three (3) additional unrelated persons (as set forth in Section V-11 of the Urbana Zoning Ordinance) may legally occupy the Rental Unit and shall:

(1) Execute a Rental Agreement Addendum, consistent with the form and content to be provided by the City, clearly stating the legal occupancy limit for the Rental Unit, the Owner's agreement that the Rental Unit has not been offered to be occupied by more than the legal occupancy limit, and the tenants' agreement to allow no more than the occupancy limit to occupy the Rental Unit. The Addendum shall be signed by the Owner or Owner's Agent and all tenants who will occupy the Rental Unit.

(2) Include as part of the Rental Agreement addendum the relationships of any tenants to each other, excluding children if the number of tenants excluding children exceeds four (4).

(3) Provide a copy of the Rental Agreement Addendum to the Building Official, upon request.

b) If the City provides the Owner with evidence of over occupancy of a unit, the Owner shall take all necessary action to reduce occupancy to the legally allowed limit, including eviction. Failure to remedy over occupancy shall be considered a willful act and a violation of this Ordinance.

c) Rental Units consisting of the following dwelling unit types: single family extended group occupancy, duplex extended group occupancy, community living facility, dormitory, hotel or motel, nursing home and bed and breakfast (as defined in Section II-3 of the Urbana Zoning Ordinance), shall be occupied by no more than the maximum occupancy limit specified on the Certificate of Occupancy, as determined by the Building Official.

d) Rental Units consisting of a boarding house or rooming house, as defined in Section II-3 of the Urbana Zoning Ordinance, shall be occupied at any given time by no more than fifteen (15) persons, related or unrelated, or fewer as specified in the Certificate of Occupancy, as determined by the Building Official. Properties so designated shall be leased on a per person basis.

e) The above requirements shall not limit the Owner from restricting occupancy to a lesser level than that defined above.

Section 15. Violations.

(a) Violations of this Ordinance shall be punishable by fine of not less than One Hundred and Thirty Five (\$135) dollars nor more than Seven Hundred Fifty (\$750) dollars for each violation. Each day may constitute a separate and continuing violation. The City may seek remedies which include corrective action or prohibitions as a part of its relief. In the event of conviction on three (3) or more offenses, the City shall also be entitled to recover its costs and reasonable attorney's fees in addition to fines imposed by the Court.

(b) The Building Official may refuse to register or revoke the existing registration of any Rental Property which is in violation of the provisions of Section 5, the ownership provisions of Section 7, or which is in violation of the provisions Sections 13 or 14 of this Ordinance. The Building Official may also refuse or revoke the registration of a building which fails to comply with Property Maintenance Code deadlines to remedy serious health, life or safety violations.

Section 16. Affirmative Defenses.

(a) The following shall not be affirmative defenses to a violation of this Ordinance:

(1) The Owner and/or Owner's Agent did not receive notice, provided that the City issued notice according to the provisions of this Ordinance.

(2) The Property was inspected and issued a classification pursuant to Section 10 indicative of the City's satisfaction with the state of the property at the time of inspection.

(b) The following are affirmative defenses to a violation of this Ordinance:

(1) Full correction of each and every violation charged against the defendant.

(2) The violation charge has been caused by the current occupant or occupants, and the owner and/or owner's agent has persuasive evidence in support of the defense.

(3) The current occupant(s) has refused entry to the owner or his or her agents to that part of the dwelling or dwelling unit requiring correction, for the purpose of correcting the violation charge.

Section 17. Notices. Any written notice required to be given to the Owner of a Rental Property under this Ordinance shall be addressed to such Owner at the address provided for such Owner in the application for registration.

Section 18. Administrative Appeals. An Owner, or Agent of the Owner, may appeal a registration denial or revocation to the Chief Administrative Officer within ten (10) days of the date of written notice to such Owner, or Agent, of the denial or revocation of registration. The Appeal must be in writing and state the reasons the Owner or Agent disagrees with the determination to deny registration or the reasons for the revocation. The Chief Administrative Officer shall appoint a Hearing Officer to conduct a hearing and make a determination of whether the denial or revocation should be upheld. The Hearing Officer shall promptly schedule a hearing at a time and date no later than fourteen (14) days from the date of receipt of the appeal by the Chief Administrative Officer, or at a later date at the request of the Owner/Agent. The Hearing Officer shall have the power to administer oaths and require the attendance of any City employees. The hearing shall be recorded. The Hearing Officer shall make written findings of fact and issue a written decision which shall be promptly mailed to the Owner and Agent, if any.

Section 19. Performance Review. The Community Development Department and the Legal Department of the City shall conduct a thorough and evaluation of this Ordinance eighteen (18) months after its effective date. The review process shall include public input and comment on the Rental Registration and Inspection Program's strengths, weaknesses and effectiveness. The Departments shall tender a written report to the Mayor and Council summarizing their ~~your~~ findings and recommendations. This report shall be tendered in a timely manner but not later than three (3) months after the commencement of the review and evaluation process.

Section 20. Severability. If any section, provision, or part of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby.

Section 210. Effective Date. This Ordinance shall become effective thirty (30) days after it is passed by the City Council and signed into law.

PASSED by the City Council this _____ day of _____, 2006.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2007.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2006, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: **"AN ORDINANCE ADOPTING A REGISTRATION PROGRAM FOR RESIDENTAL PROPERTIES BEING RENTED WITHIN THE CITY OF URBANA, ILLINOIS,** which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2006, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2006.

D R A F T
Rental Agreement Addendum

Dwelling Address and Unit Number: _____

Dates of Occupancy:

Lease Start Date: _____/_____/_____

Lease Stop Date : _____/_____/_____

I have made personal and diligent inquiry and make this Addendum based upon personal knowledge that the dwelling unit listed above has been leased to a group of persons containing no more than one household (related by direct lineal descent, adoption, marriage, foster child/parent relationship, or domestic partnership) and an additional three unrelated persons. **Prior to offering the dwelling unit for rent, I informed the prospective tenants that Urbana law prohibits more than one household and an additional three unrelated persons from occupying the dwelling unit. Note, however, that this Addendum is not intended to prohibit an Owner from leasing to fewer than the maximum occupancy allowable by Urbana law.**

Initial one of the following:

_____ I am the Owner or Local Agent of the property

_____ I am the manager of the property

If this dwelling is leased to more than four persons, excluding children, I have listed below the names of lessees who are related, and their relationship, as necessary to demonstrate that the house has been leased to no more than four unrelated adults:

I affirm under the penalties for perjury that the foregoing representations are true. Submission of a perjured affidavit is a violation of Urbana City Code punishable by a fine of between \$500 and \$2,500 and may result in the suspension of the rental registration for the property.

Date: _____ Signature: _____ Printed _____

TENANTS MUST COMPLETE REVERSE SIDE OF THIS FORM

Tenant's Agreement to Adhere to Legal Occupancy Limits

I affirm by my signature below that the rental unit located at _____, for which I have signed a lease, was rented for occupancy by no more than 4 unrelated persons and that the owner or manager has informed me that the City of Urbana prohibits more than one household (related by direct lineal descent, adoption, marriage, foster child/parent relationship, or domestic partnership) and 3 additional unrelated persons from occupying this rental unit.

I AFFIRM THAT IT IS MY INTENTION THAT THIS RENTAL UNIT WILL BE OCCUPIED BY NO MORE THAN FOUR UNRELATED PERSONS DURING THE ENTIRE TERM OF THE LEASE.

I UNDERSTAND THAT A PERSON WHO USES THIS ADDRESS FOR ANY RESIDENCY PURPOSE SHALL BE CONSIDERED AN OCCUPANT (e.g., listed domicile, mailing address, permanent address, voter registration, utilities, library card, etc.)

I affirm under the penalties for perjury that the foregoing representation is true. Submission of a perjured affidavit is a violation of Urbana City Code punishable by a fine of between **\$250 and \$500.**

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____



Rental Property Registration Form

Community
Development Services

<<OWNER NAME ----- PIN# XXXXXXXXXXXX
ADDRESS BLOCK -----
CONTINUES HERE ----->>

Instructions: Please fill out, sign and return this form in its entirety, along with payment.

Owners Contact Information (Indicate Registered Agent if owned by a Corporation)

Owner's Name: _____

Mailing Address: _____

Daytime Telephone: _____ Evening Telephone: _____

Fax: _____ E-mail Address: _____

Local Agent Information: If the Owner does not reside within 60 miles of the rental unit OR is not able to be contacted on a 24-hour basis, the Owner must provide information for a Local Agent who resides in Champaign County or an adjoining County AND is able to respond reasonably in the event of an emergency on a 24-hour basis.

Agent's Name: _____

Mailing Address: _____

Daytime Telephone: _____ Evening Telephone: _____

Fax: _____ E-mail Address: _____

Mortgage Holder: Indicate name and contact information for mortgage holder, if there is a mortgage on this property

Mortgage Holder's Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____ E-mail Address: _____

Contract Buyer: Indicate name and contact information for any buyer on a Contract for Deed for the property

Contract Buyer's Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____ E-mail Address: _____

CONTINUED ON REVERSE

Property Information

Our records indicate you own the following rental properties at the above address:

Permanent Parcel Number: xx-xx-xx-xxx-xxx

Property Address: 123 FAKE STREET

Occupancy

Maximum Occupancy (per Zoning Ordinance or Certificate of Occupancy): _____

Registration Fee

| | | | |
|-------------------------------------|-----------------------|---|---------------------|
| <input checked="" type="checkbox"/> | Single Family Home | @ | \$45 |
| <input checked="" type="checkbox"/> | Duplex | @ | \$50 |
| <input checked="" type="checkbox"/> | Apartment Building(s) | @ | \$40 |
| <input checked="" type="checkbox"/> | + Apartment Units | @ | \$10 |
| Total Due for this address: | | | <u>\$XXX</u> |

PAYMENT DUE MARCH 15

Payment

Please print your Permanent Parcel Number on your Check. Make Checks Payable to: City of Urbana, P.O. Box 219, Urbana, IL 61803-0219. Please return this form in its entirety. If you believe there has been an error by this office please do not hesitate to call (217) 384-2443.

Terms of Rental Registration Program

By signing this form the Owner and Local Agent (if applicable) agree to the following terms:

- No Owner shall be allowed to register any property if the Owner has outstanding fees or fines due and owing to the City.
- Any changes occurring in ownership of a rental unit shall require the new owner to apply for registration within 30 days of taking ownership.
- That no rental unit has been rented or leased or offered for rent or lease in a manner which would result in violation of the occupancy levels permitted by the Urbana Zoning Ordinance or a Certificate of Occupancy.
- That both the interior and exterior of each rental property shall be periodically inspected by the Building Official, under the provisions established by the adopting Ordinance.
- That a Rental Agreement Addendum has been executed by the owner or local agent and by each tenant for rental units consisting of a single family, duplex, common lot line, multiple family, mobile home, or loft dwelling unit types.
- That failure to adhere to these terms and others outlined in the adopting Ordinance may result in violation of the Rental Registration Ordinance, fines, and assignment of a "Class F" to the property. "Class F" properties may not be rented. Please see www.city.urbana.il.us/RRP for complete details.

Signature of Owner

Date

Signature of Owner's Agent

Date



D R A F T

January 17, 2007

RE: Newly Adopted Rental Registration and Inspection Program, City of Urbana, Illinois

Dear Rental Property Owner:

The City of Urbana includes over 10,000 rental units, comprising almost two-thirds of our housing stock. As a rental property owner, you are aware of the special responsibilities that landlords hold in terms of ensuring the safety, health, and welfare of the rental residents. This is a responsibility that is shared by the City of Urbana. Proper maintenance and management of rental housing is also critical to maintaining neighborhood character and improving the quality of life for all Urbana residents.

After an extensive public review and hearing process, the City of Urbana recently adopted a **Rental Registration and Inspection Program**. The purposes of the program are to help ensure a safer rental housing stock, protect property values, and improve accountability of rental units. Residents throughout the City lobbied hard for such a program for many years. In fact, Urbana-Champaign has been the only city of any size in central Illinois that does not have such a program. The program was developed with the assistance of the Mayor's Neighborhood Safety Task Force and was based upon a careful review of similar programs in other communities. The Task Force includes representation by all of the City's neighborhoods, as well as by local rental property owners, managers, and other experts.

The program requires the annual registration and payment of a fee for all rental properties in the City, including single-family, duplex, and multi-family housing. It also extends to rental properties where the owner is still an occupant, such as room rentals and temporary leases. Under the new program, the City has a goal of completing inspections of all rental properties within a three- to five-year cycle. The timing of inspection will depend upon a number of factors which are outlined in the Ordinance. Once inspected, your property will be assigned a classification that will help to determine frequency of future inspections.

The program was approved by the City Council on January 16, 2007, with a proposed effective date of February 16, 2007. The established program year will extend from October 15th of each year thereafter in order to better accommodate the annual leasing calendar. **You should be receiving a registration form and invoice for the first partial year's registration within the next month.** The first year's invoice will be for 8 months and will be pro-rated accordingly. Annual fees have initially been set at \$45 per building for single-family properties; \$50 per building for duplex properties; and \$40 per building plus \$10 per unit for multi-family properties. **You will have 30 days to return the registration form with appropriate payment.**

With this letter, we are enclosing a copy of the adopted Ordinance containing the program description, together with supplementary forms and materials. Please take a moment to review these materials. Our Housing Inspectors are available to answer any questions you may have about this new program. They may be reached at 384-2443.

We thank you in advance for your cooperation in this important new initiative. As we undertake this program, we would appreciate your feedback and suggestions for improvement.

Sincerely,

Elizabeth H. Tyler, Ph.D., AICP, Director

Attachments:

Ordinance Adopting a Rental Registration and Inspection Program
Ordinance Adopting Fees
Registration Form
Rental Agreement Affidavit
List of Common Code Violations



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Building Safety Division

COMMON CODE VIOLATIONS

1. Have operable smoke detectors and carbon monoxide detectors in each dwelling unit.
2. Screens must be on all required windows
3. Screens must be tight-fitting and in good repair.
4. Windows must be working and in good repair with proper sashes and controls.
5. Doors must be in good working order.
6. Exit lights and fire alarm system, if required, must be working.
7. Fire extinguishers charged, and if required, inspected and tagged.
8. A single-cylinder deadbolt lock on all entrance doors.
9. Walls, floors, and ceilings in good repair.
10. Combustible storage must be removed from boiler room, furnace room, basement, or cellar.
11. Required handrails must be in place on stairs of four or more risers.
12. Bathtubs and showers must be properly caulked.
13. Vent pipes from water heaters and furnaces must be properly sealed.
14. Junk, trash, and miscellaneous debris must be removed from all common interior and exterior areas including the yard.
15. All exterior walls should be painted or treated so that moisture cannot get to the wood.
16. Electrical receptacles within six feet of the kitchen sink, one receptacle in the bathroom, and all exterior receptacles must be GFCI protected.
17. Local only manual fire alarm pull stations must have a sign posted by each one saying, "WHEN ALARM SOUNDS CALL 911."

These items may be easily checked prior to the inspection and corrected. By taking steps to avoid common problems, you can reduce your inspection time. Thank you for your cooperation.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Building Safety Division

LANDLORD/RENTAL REGISTRATION PROGRAM

FREQUENTLY ASKED QUESTIONS

What is a Rental Registration Program?

Under a Rental Registration Program, cities can keep track of who is renting out their properties and where those properties are. It is a database of all apartment buildings and other rental housing in the city. With Rental Registration, the city will have contact information for the owner of each building, as well as the property manager. Rental Registration Programs offer a way to keep track of code enforcement inspections. Rental Registration programs typically involve modest per building or unit fees to help with the costs of administering the program. Rental Registration can also be used as a means of authorizing landlords to operate in a community. If a landlord does not register property or does not abide by the property maintenance ordinances of a community, he/she could be placed on a register of noncompliance and, in extreme cases, could even be prevented from renting out properties in that community.

What are the benefits of Rental Registration Programs?

- **Safety:** The city will be able to contact owners or landlords at any time an emergency may occur. Unsafe conditions will be easier to spot and remedy when there are more inspectors visiting properties more often. Over time, increased inspections under a rental registration program will result in safer housing stock. This will benefit tenants and the larger community.
- **Neighborhood stability and property value protection:** Rental properties will be inspected more often, which will prevent minor code infractions from developing into bigger problems. This protects the character of neighborhoods as well as the value of property for landlords and homeowners.
- **Rental accountability:** The Rental Registration Program will be another tool to encourage landlords to be accountable for issues such as respecting the occupancy limit and lawful use of the dwelling, as well as maintaining sanitary and safe conditions. In extreme cases, a landlord may even be prevented from registering a property for rental if code violations are persistent, extensive, and serious and the landlord is uncooperative in pursuing corrections.

How does it work?

The City sends registration applications to property owners on an annual basis. These applications will also be available on-line. Property owners return the application along with an annual fee which covers program administration and more frequent inspections. Under the program, rental properties will be periodically inspected - roughly every three years - in addition to any tenant complaint inspections and regular commons area inspections.

Rental Registration is NOT:

- A list or affidavit of every resident in every rental unit
- A way for the city to generate revenue for non-housing enforcement related programs
- A way to make it harder or less profitable to operate rental housing in Urbana
- The only way to ensure safe housing in Urbana, but an essential tool to be used in conjunction with others

Rental Survey Results

Urbana staff sent out a survey to several other cities with major universities to see how they handle housing inspections and rental registration. This survey included questions about population, number of rental units, building inspection staff, and fees charged for inspection programs. Thirteen cities responded to the survey, with populations ranging from 22,000 to 115,000. Overall, most cities have some sort of licensing or registration program, and most cities charge fees for either rental registration, rental inspections, or both. Responding cities averaged 5.5 full-time and 2 part-time inspection staff, and inspect over 12,000 units in less than 2.5 years.

Most cities with Rental Registration Programs had a separate schedule of fees for single-family, duplex, small and large apartment buildings. Nearly all cities had both a per-building as well as a per-unit fee for apartment buildings.

Most of the respondents were larger cities that had a lower proportion of rental housing. The closest match to Urbana was Normal, Illinois. Normal is the smaller half of a twin-city region containing a state university, much like Champaign-Urbana. Their population is slightly higher than Urbana, at 45,000 and they have 8,000 rental units. Normal systematically inspects all of its apartment buildings every year. They have three full time housing inspectors, and their registration fees are \$30 per building plus \$15 per rental unit.

Urbana Rental Housing Facts

Here are some rental housing facts about Urbana from the 2000 Census, updated with City and Assessor records where feasible:

| | |
|---|--------|
| Population (corrected 2000 Census): | 37,372 |
| 2004 Estimated Population (Census projection): | 39,178 |
| Total occupied housing units (2000 Census): | 14,327 |
| Percent of Housing Stock that is renter occupied (2000 Census): | 63% |

| | |
|--------------------------------|---------------|
| Rental Units (2005 estimates): | |
| Multi-Family (3+ units) | 8,440 |
| Two-Family | 412 |
| Single-Family | <u>1,204</u> |
| TOTAL | 10,056 |

CITY OF URBANA

CERTIFICATE OF REGISTRATION

This Document Certifies that the rental property located
at 123 Fake Street is Lawfully Registered with the
City of Urbana Department of Community Development
Services in accordance with Section XXX of the City Code.

Date of last inspection: 12/12/07

Assigned Classification: Grade B

Building Official

Date

Building Inspector

Date





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Building Safety Division

Landlord Key Tracking Tips

- Keys should be stored on a key control board in a locked closet out of reach of the public with access only available to key personnel.
- Any person who is given a master key should sign it out and have his or her ID photocopied. This person should be given a letter stating they are held responsible for the use of this key. Key personnel should initial document when key is returned.
- Tenants should receive 2 keys and are expected to return both at time of exit.
- It should be noted that keys stamped "do not duplicate" generally does not work as a security measure. Hardware stores will cut these keys without inquiry.
- Property owners should investigate lock-changing solutions. One such system allows landlords to simply change out the tumbler by inserting a master control key into the door. The price of these systems is reasonable and it only takes a few seconds to complete. A locksmith is not required. This is one example of a lock changing solution. Information on this system is available at LandlordLocks.com.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Building Safety Division

Building and Unit Security Plan

In cases where property owners request help, City staff will work with landlords to establish a Building and Unit Security Plan. The plan will be based on CPTED (Crime Prevention through Environmental Design) techniques. CPTED is the proper design and effective use of the built environment in order to lead to a reduction in the fear and incidence of crime, and an improvement in the quality of life.

A security plan should include how a landlord will address the following concepts. Taken alone few of the following elements will have a significant impact on crime. Taken together, they will stop some crime operators from wanting to move into the property, and will make it easier for neighbors to observe and document illegal activity.

- **Use lighting to its best advantage.** Install photo sensitive lighting over all entrances. Buyers, sellers, and manufactures of illegal drugs don't like to be seen. Front doors, back doors, and all outside entrances should be equipped with energy-efficient lighting. Walkways, parking lots and activity areas should be well lighted. Covered parking areas should have lighting installed under the canopy.
- **Make sure fences can be seen through.** If you install fencing, chain link or wrought iron types are best, because they limit access without also offering a place to hide. Wood fencing can also be used effectively, provided wide gaps are left between the boards.
- **Keep bushes around windows and doorways trimmed well.** Bushes should not impair the view of entrances and windows. Tree branches should also be trimmed up from the ground so as to discourage the possibility of a person hiding.
- **Post the address clearly.** Only the drug operator will benefit if the address is difficult to read from the street. When address numbers are faded, hidden by shrubs, not illuminated at night, or simply falling off, neighbors will have one more hurdle to cross before reporting activity and police will have more difficulty finding the unit when called.
- **Control traffic flow and access.** In larger complexes, control access points to deter pedestrian passerby from entering the property. Then do the same for automobile traffic. People involved in drug activity prefer "drive through" parking lots—those with multiple outlets. Consider blocking some exits, and rerouting traffic so all automobile and foot traffic, coming and going must pass the same point—within view of the manager's office.
- **Keep it looked cared for.** Housing that looks cared for will not only attract good tenants—it will also discourage many who are involved in illegal activity.

- **Remove graffiti fast.** Graffiti serves as an invitation for more problems and it can demoralize and intimidate a neighborhood. Remove it and paint over it, remove it if it appears again-do not let it become an eyesore.
- **Repair vandalism.** An important part of discouraging vandalism is to repair the problem fast. If vandalism appears to be directed against you or your tenants, the police should be advised immediately.
- **Keep the exterior looking fresh and clean.** Fresh paint, and litter-free grounds help communicate that the property is maintained by someone who cares about what happens there.

The above concepts are what a landlord should address in a security plan. Each property has many factors, including landscaping, building architecture, availability of resident managers, management practices, presence of security personnel, desires of law abiding residents and more. Every landlord's security plan should be based upon the security factors which affect them most.

Owners, managers and community users have a joint responsibility by reporting to the police all suspicious activities and criminal occurrences; without this, the effectiveness of CPTED is minimized. Residents should be encouraged to report suspicious activities to the police.

Source: Campbell DeLong Resources, Inc., www.cdri.com



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

JAMES GITZ
City Attorney

JACK WAALER
Special Counsel
jwaaler@city.urbana.il.us

Memorandum

DATE: January 4, 2007
TO: Bruce Walden
Cc: Mayor and City Council
FROM: James Gitz
RE: Rental Registration Ordinance

Attached is a copy of the Rental Registration and Inspection Ordinance as it currently stands with the amendments adopted by the Council.

According to my notes, we still need to resolve some issues that I have raised in regard to Section 15, the Violations section. You may recall that I suggested deletion of the revocation remedy in subsection (b), or at least a greatly modified version.

There are two reasons for this recommended change, (1) I think it raises legal issues regarding a regulatory "taking" in the event that this remedy was used; (2) most ordinances of this kind do not employ any kind of revocation remedy; they utilize substantial fines as their primary enforcement remedy.

I realize this will require greater discussion and consultation with the Council before we finalize the ordinance. I will give the ordinance an additional review before the Committee of the Whole.

If anyone has any questions, feel free to contact me.

City of Urbana
Proposed Rental Registration Program
Draft Ordinance
December 29, 2006

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A REGISTRATION AND INSPECTION PROGRAM
FOR RESIDENTIAL PROPERTIES BEING RENTED WITHIN THE CITY OF
URBANA, ILLINOIS

WHEREAS, the City Council finds there are a growing number of residential rental properties within the City, and that many of these properties are in a declining state of maintenance, and;

WHEREAS, inadequate maintenance directly affects the health, life, safety and welfare of the citizens of Urbana and impacts the health and vitality of the surrounding neighborhood and the City as a whole, and;

WHEREAS, the City of Urbana promotes the use of community policing efforts and cooperation with property owners and residents to help ensure the safety of the entire community, including residential rental properties, and;

WHEREAS, the regular collection and maintenance of accurate, up-to-date information about residential rental properties and the identification of responsible persons for the property who are easily accessible will assist the City in the systematic inspections of these properties to ensure their safety and compliance with relevant property maintenance codes, and:

WHEREAS, the City Council, after several public hearings and extensive deliberation, concludes that a rental registration program which includes regular inspections of rental properties, is the most reasonable method of insuring suitable housing, safe and viable neighborhoods and a healthy City,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Purpose. It is the purpose of the City of Urbana Rental Registration and Inspection Program adopted herein to assure that rental housing in the City is maintained in a good, safe, and sanitary condition and does not create a nuisance or blighted conditions to its surroundings. To ensure these conditions and to aid in the enforcement of the Property Maintenance Code, Building Safety Code, Zoning Ordinance, and other relevant provisions of Urbana Code of Ordinances, the City Council hereby establishes this Rental Registration and Inspection Program for all applicable residential rental units within the City.

Section 2. Scope. This Ordinance applies to any dwelling unit and their accessory units that are leased as rental units located within the City of Urbana, with the following exceptions:

- (1) nursing homes, as defined in the Urbana Zoning Ordinance;
- (2) hotels and motels, as defined in the Urbana Zoning Ordinance;
- (3) public housing, owned by a governmental agency;
- (4) University Certified housing.

Section 3. Definitions. The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

Building Official means the Director of the Community Development Services Department, or his/her authorized designee.

Property Maintenance Code means Article IX of Chapter 5 of the City of Urbana Code of Ordinances, as amended.

Duplex means a building with two (2) Rental Units.

Local Agent means one or more persons who has charge, care, or control of a building in, or part thereof, in which rental units are maintained.

Multi-Family Building means a structure that contains three (3) or more Rental Units.

Owner means one (1) or more persons, jointly, severally or in common, or any organization, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage in possession. As used herein, an organization shall include a corporation, trust, estate, partnership, association or any other legal or commercial entity.

~~means one (1) or more persons, jointly, severally or in common, or any corporation or organization, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership of a property held in trust. It shall also include a mortgagee in possession.~~

Rental Property means a structure with one or more residential units which are leased to individuals or families for occupancy. However, it does not include property excluded in Section 2.

Rental Agreement means all agreements, written or oral, and rules ~~means all agreements and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit and~~

~~premises~~ and regulations embodying the terms and conditions concerning the use and enjoyment of rented premises.

Rental Unit means one (1) or more rooms in a structure arranged, designed and used as a residence or living quarters by one (1) or more persons who are not its owner(s), and contained within a rental property as defined herein.

Rent, Rented or Rental means any payment made to an Owner or an Owner's agent pursuant to a rental agreement.

Single Family Dwelling means a structure with one (1) rental unit

Section 4. Registration of Rental Property.

a) After the effective date of this Ordinance, it shall be unlawful for any owner, as defined herein, to lease or operate a rental property without registering it with the City of Urbana Building Official and complying with the provisions of this Ordinance, together with other applicable codes and ordinances of the City of Urbana. The registration of rental properties required herein shall expire on the 14th day of October of each year. However, the fees for 2006 through 2007 shall be prorated according to the effective date of this Ordinance.

b) No owner shall be allowed to register any property if the owner has outstanding fees or fines due and owing to the City.

c) Registration may be denied or revoked by the Building Official as provided in this Ordinance. If registration is denied or revoked, the Building Official shall notify the Owner or Owner's Agent, in writing, of the denial and the reasons therefore, pursuant to Section 17 of this Ordinance and provides an opportunity to appeal the decision pursuant to Section 18 of this Ordinance.

Section 5. Application Requirements. Applications for registration shall be filed with the Community Development Services Department and accompanied by a registration fee as established in the Schedule Fees in Chapter 14 of the Urbana City Code. Such application shall be made at least thirty (30) days prior to the expiration of the registration, and shall include the following information:

- a) Name, street address and telephone number of the owner of the rental unit.
- b) Name, street address, and telephone number of the owner's agent responsible for the management of the premises of the rental unit.
- c) Legal address of the premises.
- d) Number of units in each building within the rental property.
- e) Occupancy as permitted under the Zoning Ordinance, or as specified in the Certificate of Occupancy.

- f) Signed statement of owner and owner's agent indicating that he/she is aware of the City's Building Safety codes and Zoning (occupancy) codes and the legal ramifications for *knowingly* violating said codes.
- g) The name and address of the registered agent, if the Owner is a corporation.
- h) The name and address of the mortgage holder, if there is a mortgage on the Rental Property.
- i) The name and address of any buyer on a Contract for Deed.

Section 6. Registration Renewal. If there are no changes in ownership or agent representation, renewals of the registration may be made by filling out the Registration Renewal form furnished by the City and paying the appropriate fee.

Section 7. Changes in Ownership Within thirty (30) days of any change of ownership of a rental property, the new owner shall reregister the property by filing the registration information and formset forth in Section 5. There shall be no additional charge for the remaining period of the annual registration. A change of ownership shall include any change in ownership rights, including execution of a Contract for Deed, whether recorded or not.

~~Any changes occurring in the ownership of a rental unit shall require the new owner to apply for registration within thirty (30) days of taking ownership. There shall be no charge for registering new owner information during the registration period.~~

Section 8. Fees.

a) It being the goal of the City that the Rental Registration and Inspection Program be self-supporting, the Council shall establish a two-tiered schedule of registration fees: 1) for Single-Family Dwellings and Duplexes , which shall be applied on a per building basis; and 2) for Multi-Family housing, which shall be applied on a per building and per unit basis. The Building Official shall review income from fees and expenses of this program, and make recommendations to the Council on any appropriate adjustments in the fee schedule. Fees shall also be set for failure to register, incomplete registration information, failure to register by the due date, and re-inspections of Rental Properties.

b) HUD assisted low-income permanent housing projects for seniors, persons with disabilities, and/or homeless individuals shall be eligible for a waiver of fees by the Building Official.

bc) It shall be illegal for any Owner or agent of the Owner to charge a tenant or tenants, a fee greater than the actual pro rata cost of the registration fee and to attribute that greater than actual fee to the City. Any explicit pass-through of the registration fee must be accurately represented, calculated and communicated to the tenant in order to be effective, regardless of how the fee may be characterized in any lease documents.

Section 9. Inspections. Both the interior and exterior of properties registered under the Rental Registration and Inspection Program shall be periodically inspected by the City as set forth herein.

a) The Building Official shall establish a schedule of periodic inspections of Multi-Family, Single Family, and Duplex Rental Units to ensure compliance with this ordinance as well as the property maintenance and building codes contained within Chapter 5 of the City Code and the permitted use and residential occupancy provisions contained within Article 5 of the Urbana Zoning Ordinance.

b) The inspection schedule for Multi-Family, Single Family, and Duplex Rental Units shall be determined by the following factors:

- (1) By systematic zones throughout the City, as previously established by Administrative Order (see separate published map of Systematic Inspection Zones).
- (2) By tenant or neighbor complaints about a particular structure or area of rental properties, and/or as indicated by Fire and Police calls or exterior nuisance complaints about a structure or area.
- (3) By the inspection effort proportionate to the amount of the housing stock in each rental housing type: multi-family, single-family, and duplex.
- (4) The inspection class assigned to a particular building, pursuant to Section 10 of this Ordinance.
- (5) The overall condition of the neighborhood in which the property is located.
- (6) The frequency of prior inspections and date of most recent inspection of the property.

c) Notice of Inspection and Right to Refuse.

- (1) Notice of periodic inspections of rental units, pursuant to this Section, shall be given in writing to each owner and each tenant of such rental unit, a minimum of seven (7) days prior to the inspection. Such notice shall be presumed to have been received as of the time it was served personally on such person, or if mailed by first class U.S. Mail ten (10) days prior to the inspection, it will be presumed to have been received at least seven (7) days prior to the inspection. In such notice, the tenants may be addressed as “occupants” and one such notice mailed to the address of the rental units, shall be regarded as notice to all tenants. Notice to the owner, if mailed, shall be addressed to such owner at the address provided for such Owner in the application to register the Rental Property.
- (2) The notice shall advise that objections to such inspection may be lodged by telephone, fax, or e-mail or in person at the City’s Community Development Services Department.

- (3) If any owner or any occupant objects to a periodic inspection, no inspection of the rental unit shall be undertaken without an administrative search warrant issued by a Court of competent jurisdiction, setting forth the general scope of the inspection.
- (4) Failure to reschedule an inspection or respond to a notice of inspection shall be treated as agreement to the date and time of the proposed inspection. The Owner shall be liable for the cost of re-inspection if the Owner or his/her Agent fails to provide access to the Rental Property as scheduled. Failure to provide access as scheduled or rescheduled, shall also constitute a violation of this Ordinance.
- (5) The notice and warrant requirements of this sub-section do not apply to inspections conducted pursuant to other parts of the City Code.

Section 10. Assignment of Classifications. Upon completion of a Rental Property's inspection, the property shall be classified by the Building Official according to the classification system set forth herein. Property will be considered for reclassification at each subsequent inspection. However, an inspection shall not be deemed necessary for designation as Class F in sub-section e).

- a) CLASS A - Building has no violations of applicable City Codes. Building inspected as lower priority on regular cycle thereafter.
- b) CLASS B - Building has violations of applicable City Codes and the violations do not pose an immediate threat of danger to the life, health and safety of the occupants of the building. Building inspected on regular cycle thereafter.
- c) CLASS C - Building has violations of applicable City Codes that are in excess of ten in number and/or that affect the overall livability of the building, but do not pose a threat of danger to the life, health or safety of the occupants of the building. Building may be inspected as frequently as every year thereafter.
- d) CLASS D - Building has violations and is either unsafe, contains unsafe equipment, is unfit for human occupancy or is unlawful. Pursuant to the Property Maintenance Code, the Building Official may disallow occupancy of all or a portion of the building until Code violations are corrected. The Building Official may inspect the property on a regular basis to verify that it remains in compliance with City Codes.
- e) CLASS F- Building is not in compliance with the Rental Registration Program and may not be occupied for rental. Violations leading to a Class F designation shall include: (1) failure to register after three (3) attempts at notification of such requirements by the City; (2) false information on the application which affects the health, life and safety of the residents; (3) failure to renew registration after three (3) notifications have been issued by the City of such requirements; (4) failure to comply with the City's building codes, health, life, safety codes, or Property Maintenance Code

after notification and an opportunity to remedy violations; (5) willful failure to abide by occupancy limits as set forth in the City's zoning ordinance; (6) repeated failure to abide by provisions of the Urbana City Code which directly affect the quality of life of the neighborhood, including but not limited to, noise ordinances, nuisance provisions, animal control ordinances, drug violations, and violations of the Illinois Criminal Code which affect the safety and quality of life of the surrounding neighborhood.

f) CLASS N – New construction within past twenty-four (24) months. First inspection will occur on the next inspection cycle as lowest priority.

Section 11. Publication of Class Listings and Violations.

a) As a public service and an incentive for improved compliance, the City shall periodically publish a list of properties ~~with their receiving a “Class D” or “Class F”~~ designation pursuant to Section 10 of this Ordinance. This list shall be considered public information and shall be available upon request as well as posted on the City website. Listings of pertinent violations for “Class D” or “Class F” properties shall also be considered public information and available upon request.

b) Any property receiving an “A” classification shall receive a placard suitable for posting on the property. The placard may be publicly displayed until such time as the City changes the classification.

Section 12. Local Agent Required. If the owner of any rental unit covered under this ordinance does not reside within sixty (60) miles of the rental unit, and is not able to be contacted, or is not able to be contacted on a 24-hour basis, the owner shall provide the City with the name, address, and phone number of his/her local agent who resides within Champaign County or an adjoining County and is available to respond reasonably in the event of an emergency on a 24-hour basis.

Section 13. Safety and Security. To ensure the safety of all residents of rental properties, every Owner shall:

a) Establish a building and unit security plan, including a key tracking system.

b) Restrict regular access to building and unit keys to occupied Rental Units to the Owner or the Owner's Agent. Keys may be issued to vendors and contractors for the purpose of maintenance and repair, but in such cases the Owner or Owner's Agent shall take responsibility for the tracking and prompt return of such keys in order to protect the safety and security of tenants. If keys are lost in the course of maintenance and repair activities, the Owner shall promptly change locks at his/her own expense.

c) Cooperate with the City and its Police Department to address continuing safety issues and crime problems at any rental property. This

cooperation shall take the form of at least one meeting with City officials and, if necessary, an inspection of the property to review security and crime issues for formulation of remedies. The resulting security plan may include, but is not limited to, a review of access and security issues, lighting, access to common areas, crime prevention through environmental design (CPTED), neighborhood watch programs, graffiti removal, No Trespass Notices, lease clauses, and such other measures which are appropriate to the individual property and the type of problems at issue. ~~If an owner fails to take reasonable steps to remedy identified problems, the City may revoke the Owner's registration of the Rental Property.~~

d) Every Owner or Local Agent of a Multi-Family Building containing twenty (20) or more units shall attend a city-sponsored training about crime prevention at rental properties. Said training shall be conducted on an as-needed basis by the Urbana Police Department and other relevant City staff.

e) The Urbana Police Department and Community Development Services Department shall compile and provide educational materials to assist Owners and tenants with safety and security concerns. Such materials may include assistance with developing security plans, model leases, crime prevention information, emergency contact information, etc.

Section 14. Occupancy of Rental Units. Occupancy of residential rental properties shall be restricted and monitored as follows:

a) Every Owner of a Rental Unit subject to this Ordinance, shall inform the tenants, before entering into a Rental Agreement, that no more than one (1) household (as defined in Section II-3 of the Urbana Zoning Ordinance) and three (3) additional unrelated persons (as set forth in Section V-11 of the Urbana Zoning Ordinance) may legally occupy the Rental Unit and shall:

(1) Execute a Rental Agreement Addendum, consistent with the form and content to be provided by the City, clearly stating the legal occupancy limit for the Rental Unit, the Owner's agreement that the Rental Unit has not been offered to be occupied by more than the legal occupancy limit, and the tenants' agreement to allow no more than the occupancy limit to occupy the Rental Unit. The Addendum shall be signed by the Owner or Owner's Agent and all tenants who will occupy the Rental Unit.

(2) Include as part of the Rental Agreement addendum the relationships of any tenants to each other, excluding children if the number of tenants excluding children exceeds four (4).

(3) Provide a copy of the Rental Agreement Addendum to the Building Official, upon request.

b) If the City provides the Owner with evidence of over occupancy of a unit, the Owner shall take all necessary action to reduce occupancy to the legally allowed limit, including eviction. Failure to remedy over occupancy shall be considered a willful act and a violation of this Ordinance.

c) Rental Units consisting of the following dwelling unit types: single family extended group occupancy, duplex extended group occupancy, community living facility, dormitory, hotel or motel, nursing home and bed and breakfast (as defined in Section II-3 of the Urbana Zoning Ordinance), shall be occupied by no more than the maximum occupancy limit specified on the Certificate of Occupancy, as determined by the Building Official.

d) Rental Units consisting of a boarding house or rooming house, as defined in Section II-3 of the Urbana Zoning Ordinance, shall be occupied at any given time by no more than fifteen (15) persons, related or unrelated, or fewer as specified in the Certificate of Occupancy, as determined by the Building Official. Properties so designated shall be leased on a per person basis.

e) The above requirements shall not limit the Owner from restricting occupancy to a lesser level than that defined above.

Section 15. Violations.

(a) Violations of this Ordinance shall be punishable by fine of not less than One Hundred and Thirty Five (\$135) dollars nor more than Seven Hundred Fifty (\$750) dollars for each violation. Each day may constitute a separate and continuing violation. The City may seek remedies which include corrective action or prohibitions as a part of its relief. In the event of conviction on three (3) or more offenses, the City shall also be entitled to recover its costs and reasonable attorney's fees in addition to fines imposed by the Court.

(b) The Building Official may refuse to register or revoke the existing registration of any Rental Property which is in violation of the provisions of Section 5, the ownership provisions of Section 7, or which is in violation of the provisions Sections 13 or 14 of this Ordinance. The Building Official may also refuse or revoke the registration of a building which fails to comply with Property Maintenance Code deadlines to remedy serious health, life or safety violations.

Section 16. Affirmative Defenses.

(a) The following shall not be affirmative defenses to a violation of this Ordinance:

(1) The Owner and/or Owner's Agent did not receive notice, provided that the City issued notice according to the provisions of this Ordinance.

(2) The Property was inspected and issued a classification pursuant to Section 10 indicative of the City's satisfaction with the state of the property at the time of inspection.

(b) The following are affirmative defenses to a violation of this Ordinance:

(1) Full correction of each and every violation charged against the defendant.

(2) The violation charge has been caused by the current occupant or occupants, and the owner and/or owner's agent has persuasive evidence in support of the defense.

(3) The current occupant(s) has refused entry to the owner or his or her agents to that part of the dwelling or dwelling unit requiring correction, for the purpose of correcting the violation charge.

Section 17. Notices. Any written notice required to be given to the Owner of a Rental Property under this Ordinance shall be addressed to such Owner at the address provided for such Owner in the application for registration.

Section 18. Administrative Appeals. An Owner, or Agent of the Owner, may appeal a registration denial or revocation to the Chief Administrative Officer within ten (10) days of the date of written notice to such Owner, or Agent, of the denial or revocation of registration. The Appeal must be in writing and state the reasons the Owner or Agent disagrees with the determination to deny registration or the reasons for the revocation. The Chief Administrative Officer shall appoint a Hearing Officer to conduct a hearing and make a determination of whether the denial or revocation should be upheld. The Hearing Officer shall promptly schedule a hearing at a time and date no later than fourteen (14) days from the date of receipt of the appeal by the Chief Administrative Officer, or at a later date at the request of the Owner/Agent. The Hearing Officer shall have the power to administer oaths and require the attendance of any City employees. The hearing shall be recorded. The Hearing Officer shall make written findings of fact and issue a written decision which shall be promptly mailed to the Owner and Agent, if any.

Section 19. Performance Review. The Community Development Department and the Legal Department of the City shall conduct a thorough and evaluation of this Ordinance eighteen (18) months after its effective date. The review process shall include public input and comment on the Rental Registration and Inspection Program's strengths, weaknesses and effectiveness. The Departments shall tender a written report to the Mayor and Council summarizing their ~~your~~ findings and recommendations. This report shall be tendered in a timely manner but not later than three (3) months after the commencement of the review and evaluation process.

Section 20. Severability. If any section, provision, or part of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby.

Section 210. Effective Date. This Ordinance shall become effective thirty (30) days after it is passed by the City Council and signed into law.

PASSED by the City Council this _____ day of _____,
2007.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2007.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2007~~6~~, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: **"AN ORDINANCE ADOPTING A REGISTRATION PROGRAM FOR RESIDENTIAL PROPERTIES BEING RENTED WITHIN THE CITY OF URBANA, ILLINOIS,** which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2007~~6~~, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2007~~6~~.