

ORDINANCE NO. XXXXXXXX

AN ORDINANCE TO ESTABLISH A RENTAL REGISTRATION, LICENSING, AND INSPECTION PROGRAM FOR RESIDENTIAL RENTAL PROPERTY WITHIN THE CITY OF QUINCY, IL

WHEREAS, the citizens of Quincy find there are a number of residential rental properties within the City that are in a declining state of maintenance; and

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

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

WHEREAS, maintaining a safe and liveable rental housing stock will promote economic growth, community vitality, preservation and enhancement of property values, and will thereby contribute to the public's health, safety and general welfare; and

WHEREAS, maintenance of said properties will reduce the need for the City to undertake nuisance abatement, condemnation, and demolition proceedings; and

WHEREAS, the current tenant initiated and tenant responsibility process is inadequate to rectify the specific and overall declining state of maintenance of substandard, unsafe, and nuisance 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 locally 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, it is the goal of the City that the Rental Registration, Licensing, and Inspection Ordinance be self-supporting.

Section 1. **Purpose.** It is the purpose of the City of Quincy Rental Registration, Licensing, and Inspection Program 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, and to protect and promote the welfare of tenants, preserve investments in property, and secure the stability of neighborhoods, and to ensure these conditions and to aid in the enforcement of the Property Maintenance Code, Zoning Code and other relevant provisions of Quincy, IL Code of Ordinances.

Section 2. **Scope.** This Ordinance applies to any dwelling unit and its accessory structures that are

leased as rental units located within the City of Quincy, with the following exceptions:

- (1) Nursing homes, as defined in the Quincy Zoning Code;
- (2) Hotels, motels, and bed and breakfasts as defined in the Quincy Zoning Code;
- (3) Public housing owned by a governmental agency;
- (4) Private and public College and University housing;
- (5) Dwellings, buildings, or structures licensed and inspected by state or federal governments, provided that the inspection is based on a criteria in the City Property Maintenance Code.

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.

Additional Inspection means all inspections after the initial (first) inspection during the process of obtaining a License, Temporary or Conditional Certificate.

Agent or 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, and who may serve as a point of contact for rental inspections under this ordinance

Building Official means the Office of Inspection and Enforcement, and such individuals as may be designated by the Building Inspector or Director of Planning and Development to administer all or any part of the inspection program under this chapter.

City means the office of Inspection and Enforcement, and such individuals as may be designated by the Building Inspector or Director of Planning and Development City to administer all or any part of the inspection program under this chapter.

Classification and Class means the property grading system that is assigned by the Building Official upon completion of a Rental Property's inspection (Section 8 of this ordinance).

Follow up Inspection means the second, third, or additional inspection of a rental dwelling or unit(s) during the process of obtaining a Rental Housing Occupancy License.

Hearing Officer means the Director of Planning and Development or such other individual as designated by the Director or the city.

Initial Inspection means the first inspection of a rental property or unit during the process of obtaining either a Conditional Rental Occupancy Certificate or Rental Property Occupancy License.

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 mortgagee in possession. As used here in, an organization shall include a corporation, trust, estate, partnership, association, or any other legal or commercial entity. The term shall not include a lessee who previously occupied a rental unit and who is subleasing the unit for the remaining part of his or her

lease.

Property means the real property, dwelling or unit.

Property Maintenance Code means Housing Standards set forth in the International Property Maintenance Code, as adopted by this Code (Chapter 150.01) of the City of Quincy, IL Code of Ordinances, as amended.

Rental Agreement means all agreements, written or oral, and rules and regulations embodying the terms and conditions concerning the use and enjoyment of rented premises. It shall also include subleases.

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

Rental Property Occupancy License means the license issued by the City Inspection Office when the rental dwelling or unit has substantially met the City Property Maintenance Code as described in Chapter 154. The owner of the property, address of the property, and the expiration date shall be shown on the license.

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

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.

Schedule of Fees or Fee or Fees means the fees for registration, inspection, and violations set forth in the Schedule of Fees Addendum to this ordinance.

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

Temporary Rental Occupancy Certificate means a certificate provisionally issued by the City to the owner of rental property pending inspection and licensing.

Section 4. **Registration of Rental Property.**

a) Registration is required for all Rental Units as defined herein. Registration is a one time requirement for the owner of the rental property. Owners of existing rental properties will have six months to comply with the registration process after the effective date of this ordinance.

Owners of newly constructed rental properties are required to register the property prior to leasing the unit(s).

b) 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 first registering it with the Building Official and complying with the provisions of this Ordinance, together with other applicable codes and ordinances of the City of Quincy.

c) A Temporary Rental Occupancy Certificate will be issued pending inspection and license.

Section 4.1. **Registration Requirements.** Applications for registration shall be filed with the Department of Planning and Development and accompanied by a one time registration fee as established in the Schedule of Fees Addendum 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, and the actual individual who will directly respond to any/all requests.
- c) Street address of the premises.
- d) Number of units in each building within the rental property.
- e) Occupancy as permitted under the Zoning Code, 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 4.2. **Registration Changes in Ownership.** Within thirty (30) days of any change of ownership of a rental property, the new owner is required to register the property by filing the registration information and form set forth in Section 4.1. A one time registration fee will be charged when there is a change in owner. A change of ownership shall include any change in ownership rights, including execution of a Contract for Deed, whether recorded or not.

Section 4.3 **Temporary Rental Occupancy Certificate.**

a) Issuance: A Temporary Rental Occupancy Certificate shall be provisionally issued by the City to the rental property owner who has properly completed and filed the Registration of said property, as required herein, and has paid the required Registration Fee. This Certificate authorizes the continued occupancy of rental property in actual existence on the effective date of this Ordinance.

b) Occupancy Permitted Pending Inspection: A Temporary Rental Occupancy Certificate shall authorize the continued occupancy of rental property in actual existence on the effective date of

this Ordinance, pending Inspection and the issuance of a Rental Occupancy License as hereinafter provided. The Temporary Rental Occupancy Certificate terminates and expires upon the completion of the Inspection.

- c) Not a Determination of Compliance: A Temporary Rental Occupancy Certificate indicates only that the owner has completed and filed the required Registration, has paid the required Registration Fee and is not delinquent in taxes or fees as provided above. A Rental Occupancy License shall be issued or denied only after the property has been inspected for compliance with the Property Maintenance Code as required. A Temporary Rental Occupancy Certificate is not a determination that the property complies with the Property Maintenance Code.
- d) Other restrictions may be applied by the Building Inspector.
- e) The Temporary Certificate will include the date on which the certificate was issued.
- f) The owner or agent shall, upon request by any tenant or prospective tenant, allow the inspection of the Certificate by the tenant or prospective tenant.

Section 5. **Rental Property Occupancy License.** Rental Property Occupancy License shall be issued by the City when the rental dwelling or unit has substantially met the City Property Maintenance Code as described in Chapter 150.01 of the City of IL Code of Ordinances. The owner of the property, address of the property, and the expiration date shall be shown on the license.

- a) License will be issued after the property has been registered and registration fee has been paid, and inspection and inspection fee that is associated with classification has been paid
- b) Assignment of classification is determined after inspection
- c) Renewal of license will occur at time of inspection
- d) The Owner or Agent shall, upon request by a tenant or prospective tenant, provide a copy of the License to the tenant or prospective tenant.
- e) Licensing may be denied or may be revoked by the Building Official as provided in this Ordinance. If licensing 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 14 of this Ordinance and provide an opportunity to appeal the decision pursuant to Section 15 of this Ordinance.
- f) A Rental Property Occupancy License is required to rent, lease, or otherwise allow a unit to be occupied.

Section 6. **Fees.** Fees are set forth in the Schedule of Fees Addendum.

a) 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 7. **Inspections.** Both the interior and exterior of properties registered under the Rental Registration, Licensing, and Inspection Ordinance 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 Property Maintenance Code and the permitted use and residential occupancy provisions contained within Quincy Zoning Code.

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

- (1) Building Official can determine inspection prioritization based on need or urgency.
- (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) The inspection classification assigned to a particular building, pursuant to Section 8 of this Ordinance.
- (4) The overall condition of the neighborhood in which the property is located .
- (5) The frequency of prior inspections and date of most recent inspection of the property.
- (6) A fee is to be paid following each regularly scheduled inspection. Re-inspections will require an additional fee per violation of applicable City Codes present during both the regularly scheduled inspection and the re-inspection.

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 unit, 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 Department of Planning and Development.

(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 subsection do not apply to inspections conducted pursuant to other parts of the City Code.

Section 8. 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 subsection e).

a) CLASS A - Building has no violations of applicable City Codes. Building inspected as lowest priority on a regular cycle every three years thereafter.

b) CLASS B - Building has violations of applicable City Codes that are in excess of one but not exceeding five, and the violations do not pose an immediate threat of danger to the life, health and safety of the occupants of the building. Building may be inspected as frequently as every other year thereafter.

c) CLASS C - Building has violations of applicable City Codes that are in excess of five but not exceeding 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. The Building may be inspected as frequently as every year thereafter.

d) CLASS D - Building has violations in excess of ten or more, and/or is either unsafe, contains unsafe equipment, is unfit for human occupancy or constitutes a public nuisance. 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 Property Maintenance Code.

e) CLASS F- Building is not in compliance with the Rental Registration, Licencing, and

Inspection Ordinance and may not be occupied for rental. Violations leading to a Class F designations are violations : (1) which render the unit unsuitable for habitation according to the City's Health, Life, Safety and/or Property Maintenance Codes after notification and reasonable opportunity to remedy such violations; (2) repeated and willful violation of the City's Zoning Code, including, but not limited to, occupancy requirements; or (3) use of the unit for a criminal purpose, as demonstrated by adjudication of the owner or a tenant for the manufacture, distribution or sale of drugs as set forth and defined by the Illinois Criminal Code. The Class "F" designation shall be withdrawn when the underlying violation has been remedied, or in the case of subsection 3, there has been a change of ownership in the unit, and/or the owner has taken appropriate steps to prevent the unit from constituting a continuing threat to the public.

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

Section 9. **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 classification pursuant to Section 8 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 10. **Local Agent Required.** The owner of any rental unit covered by this ordinance shall be available to respond to an emergency on a 24 hour per day basis. This requirement may be met by maintaining an operating business or owner residence within sixty (60) miles of the rental unit, or by use of a local agent who resides within Adams County or an adjoining county, either of whom can be contacted on a 24 hour per day basis. If a local agent is used, the owner shall provide the City with the name, address, and telephone number of the local agent in addition to owner information. A post office box, mailing address, or long distance 800 numbers shall not be deemed sufficient to meet the provisions of this section.

Section 11. **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 with the exception of owner-occupied rental units which are exempt from this provision. 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.

Section 12. Violations.

a) Violations of this Ordinance shall be punishable by fine of not less than One Hundred (\$100) dollars or 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 in addition to fines imposed by the Court.

b) The Building Official may refuse to license or may revoke the existing license of any Rental Property which falls within the provisions set forth as the basis of the Class "F" designation in Section 8. In the event that the Building Official denies or revokes licensing of a Rental Property, the tenants of the subject property shall be informed by the City of the decision and of their need to obtain other housing. An owner, or the Agent of the owner, may appeal a license denial or revocation according to the provisions of Section 15.

Section 13. 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 8 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 owner.
- (2) The violation charge has been caused by the current occupant or occupants, and the owner and/or owner 's agent has reasonable 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 14. 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 15. Administrative Appeals. An Owner, or Agent of the Owner, may appeal a registration

denial or revocation to the Building Official 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 Building Official 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 Building Official, 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 16. **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 17. **Effective Date.** This Ordinance shall become effective thirty (30) days after it is passed by the City Council and signed into law.

PROPOSED ORDINANCE NOT FOR PUBLICATION