



Agenda
Village of Glen Ellyn
Regular Workshop Meeting
Monday, June 16, 2014
7:00 PM
Glen Ellyn Civic Center, Room 301

Village Board Workshop Procedures Statement

Visitors are most welcome to attend all meetings of the Village Board and can find copies of the Agenda on their chairs or online at www.glenellyn.org prior to the meeting. Any individual with a disability requiring a reasonable accommodation in order to participate in a meeting should contact Harold Kolze, Village of Glen Ellyn ADA Coordinator, 630-469-5000, at least five (5) business days in advance of the next scheduled meeting. All matters on the Agenda may be discussed, amended, and acted upon.

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Audience Participation

1. Open:

Members of the public are welcome to speak to any item *not* specifically listed on tonight's agenda for up to three minutes. For those items which are on tonight's agenda, the public will have the opportunity to comment at the time the item is discussed. In either case, please complete the Audience Participation form and turn it in to the Village Clerk. It is requested that, if possible, one spokesman for a group be appointed to present the views of the entire group. Speakers who are recognized are requested to step to a microphone and state their name, address and the group they are representing prior to addressing the Village Board.

E. Fire Prevention Award Program: (Village Manager Franz)

1. Village Manager Mark Franz will present the proposed Fire Prevention Award Program.

F. Multi-Family Rental Property Regulations: (Planning and Development Director Hulseberg and Police Chief Norton)

1. Planning and Development Director Staci Hulseberg and Police Chief Phil Norton will present the potential multi-family rental property regulations.

G. Other Items

H. Adjournment



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 06/16/14 07:00 PM
Department: Administration
Department Head: Al Stonitsch
Category: Discussion Item
Prepared By: Meredith Hannah

SCHEDULED

AGENDA ITEM (ID # 1287)

DOC ID: 1287

Village Manager Mark Franz will present the proposed Fire Prevention Award Program.

Background

At the April 21, 2014 Village Board Workshop, staff presented to the Village Board recommendations for updating the Village of Glen Ellyn Tax Increment Financing and Economic Incentive Guidelines. As part of this discussion, staff was asked to draft a Fire Prevention Award Program for future inclusion in the guidelines, which would encourage existing businesses/properties within the C5A and C5B Central Business Districts to install fire prevention systems and/or sprinkler systems.

The Board approved the revised guidelines without the Fire Prevention Award Program during the Board meeting on April 28, 2014. Being presented before the Board at the June 16 Workshop Meeting is the newly drafted Fire Prevention Award Program. Economic Development staff worked with Planning and Development as well as the Glen Ellyn Fire Department to outline a new Fire Prevention Award Program. The program as outlined is a benefit to both the building owner and the tenant utilizing the space. The tenant reaps the benefits of protecting their employees and business while similar to the Village's other Award programs, this investment would stay with the property and any future tenants that may occupy the space. Therefore this investment benefits the property owner by assisting in preserving the property and potentially lowering insurance costs for the property owner. The program is focused on the downtown due to the unique properties and challenges in the downtown core from a fire safety perspective.

Highlights of the Fire Prevention Award Program are outlined below:

Fire Prevention Award Program

1. Businesses/Properties must reside in the C5A or C5B Downtown Commercial Districts to be eligible.
2. Business/property owners participating in the Village's Downtown Retail Improvement Award Program are not eligible for this Award Program; however, fire safety improvements are eligible under that program as well and are required to either be in place or to be part of the proposed improvements under the Downtown Retail Improvement Award Program.
3. Projects must have a minimum budget of \$2,000.
4. Similar to the Village's Façade and Interior Improvement Awards, financial awards are available to business owners or property owners, for no more than \$15,000 per building, per unit, and are paid based on the following award scale:

Investment	Award
\$2,000 - 9,999	\$1,000

\$10,000 - 19,999	\$5,000
\$20,000 - 29,999	\$10,000
\$30,000 +	\$15,000

5. Properties are eligible a maximum of two (2) times for this award providing:
 - o It has been five (5) years since they received the Award for an Alarm System installation; they are applying to upgrade an antiquated system; have received confirmation from both the Village of Glen Ellyn Planning and Development Department and Fire Department that their system is in need of upgrading.
 - o It has been five (5) years since they received the Award for an Alarm System installation and they are upgrading to a sprinkler system.
6. All contractors working on the project must be registered with the Village's Planning and Development Department prior to building permits being issued.
7. Award applicants will be reviewed on a case by case basis.
8. The determination of eligibility and priority for awards is at the discretion of the Village Board, is subject to the scope of the work completed and is subject to funds availability. The Village Board may approve awards up to \$15,000.
9. Eligible Improvements include only:
 - o Fire Alarm systems, including any needed electrical service improvements;
 - o Fire sprinkler system installations or upgrade, including any needed water service improvements.
10. The Fire Prevention Award is not a reimbursement or direct payment for the costs of fire safety improvements. Rather, the award is designed to encourage business to make their own investment into fire prevention. Awards are only valid if the fire prevention improvements in question are completed within a year of the date of the Award approval.

Action Requested

Staff is requesting the Village Board to discuss the proposed Fire Prevention Award program and provide direction to staff to move the program forward for adoption by the Village Board.

Attachments

- Draft Fire Prevention Award Program

ATTACHMENTS:

- Draft Fire Prevention Award Program (DOC)

VILLAGE OF GLEN ELLYN

Fire Prevention Award Program
Application Packet

Village Manager's Office
535 Duane Street — Glen Ellyn, IL 60137 — Telephone 630.547.5345 — Fax 630.547.8849

VILLAGE OF GLEN ELLYN
Fire Prevention Award Program
As of June 9, 2014

Purpose

The goal of the Village of Glen Ellyn Fire Prevention Award Program is to assist businesses and property owners with meeting life safety code improvements and assisting in preserving the unique building stock within the downtown. The program supports the installation of fire alarm and sprinkler systems in buildings located in the C5A and C5B business districts. Businesses/property owners participating in the Village's Downtown Retail Improvement Award Program are not eligible for this Award program, however, fire safety improvements are eligible and required under that program as well. The Village Board reserves the sole right to amend, modify, add, or delete any part or subpart of this program.

Assistance Available

Approved projects are eligible to receive Fire Prevention Award in an amount not to exceed \$15,000, as determined by the Village Board. Awards will be formally issued after the fire safety improvements are completed and all requested documentation is received and reviewed by the Village to verify completion.

Eligibility Requirements

- Commercial property owners or business owners in the Central Business Districts (C5A or C5B) who meet the application requirements are invited to submit applications.
- Projects must have a minimum budget of \$2,000.
- Financial awards are available to business owners or property owners, for no more than \$15,000, per building, per unit, and is paid based on the following award scale:

Investment	Award
\$2,000 – 9,999	\$1,000
\$10,000 - 19,999	\$5,000
\$20,000 – 29,999	\$10,000
\$30,000 +	\$15,000

- Properties are eligible a maximum of two (2) times for this award providing:
 - It has been five (5) years since they received the Award for an Alarm System installation; they are applying to upgrade an antiquated system; have received

confirmation from both the Village of Glen Ellyn Planning and Development Department and Fire Department that their system is in need of upgrading.

- It has been five (5) years since they received the Award for an Alarm System installation and they are upgrading to a sprinkler system installation.
- All contractors working on the project must be registered with the Village Planning and Development Department prior to building permits being issued.
- Award applicants will be reviewed on a case by case basis.
- The determination of eligibility and priority for awards is at the discretion of the Village Board, is subject to the scope of the work completed and is subject to funds availability. The Village Board may approve awards up to \$15,000.

Eligible Improvements

This program provides awards for installation of fire safety and suppression systems. Types of improvements include but are not limited to:

- Fire Alarm systems , including any needed electrical service improvements;
- Fire sprinkler system installations or upgrade, including any needed water service improvements;

In general, changes to the project scope will not be considered for supplemental assistance after award approval is obtained. Unforeseeable changes will be considered on a case by case basis.

The Fire Prevention Award is not a reimbursement or direct payment for the costs of fire safety improvements. Rather, the award is designed to encourage business to make their own investment into fire prevention. Awards are only valid if the fire prevention improvements in question are completed within a year of the date of the Award approval. Written requests for time extensions may be considered by the Village Manager.

Required Submittals With Application:

- Signed lease, committing to minimum of a 3-year lease term is required for all new and relocating businesses (if a lease has not yet been signed, disbursement of the approved funds will be contingent on the Village receiving a signed lease).
- Signed vendor contract(s) with detailed costs for each proposed improvement. Any selected contractor(s) must be registered with the Village's Planning and Development Department prior to beginning any work on site.

- Consent from the building owner for proposed improvements, by signature on the attached form.
- Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification

Application and Approval Process

Submission and approval of a complete award application is required prior to the completion of any improvements eligible for assistance. The applicant must submit all required documents as outlined on the first page of the application. Applicants should expect the review and approval process to take approximately 4 weeks. The applicant must secure any required Village approvals, licenses or permits prior to starting improvements. The application process is outlined below:

- Contact the Economic Development Coordinator for program information and to determine project eligibility.
- Submit an award application, including all required submittals, to the Economic Development Coordinator.
- The Economic Development Coordinator will review the application and make a recommendation of approval, partial approval or denial of the award application to the Village Board. Village staff will attempt to review applications within 4 weeks of submittal.
- The application will be considered by the Village Board. The applicant's attendance is required at Village Board meeting as part of the application review process. The Village Board typically meets on the 2nd and 4th Monday evenings of every month.

Award Process

- Once work is completed, applicant submits copies of paid invoices from all contractors, proof of payment (copies of canceled checks and/or credit card receipts), a signed Award Request Certification form (attached) and Applicant's Affidavit for Award (attached), a Contractor's Affidavit that the work was complete as outlined in their final invoices submitted and paid to the Economic Development Coordinator.
- The Economic Development Coordinator along with the Planning and Development Department reviews completed project and work for conformance to the application and the Village Code.
- Check is distributed.

Pay Back Provision

The following pay back schedule will apply if an award recipient business closes or moves out of Glen Ellyn within 3 years of receiving a Fire Prevention Award.

Out of Business	< 1 Year	1-2 Years	2-3 Years
% of Award Repaid to the Village	75%	50%	25%

The applicant agrees to this provision when she/he signs the Application Certification and Award Request Certification.

VILLAGE OF GLEN ELLYN
Fire Prevention Award

REQUIRED SUBMITTALS WITH APPLICATION:

- Signed lease, committing to minimum of a 3-year lease term is required for all new and relocating businesses (if a lease has not yet been signed, disbursement of the approved funds will be contingent on the Village receiving a signed lease).
- Signed vendor contract(s) with detailed costs for each proposed improvement.
- Consent from the building owner for proposed improvements, by signature on the attached form.
- Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification

BUSINESS OWNER INFORMATION:

Business Owner Name: _____

Home Address: _____

Business Name: _____

Business Address: _____

Business Phone: _____ Fax: _____

Home Phone: _____ Email: _____

If tenant, what is the expiration date of your current lease? _____

If buyer under contract or tenant, who is the property owner? _____

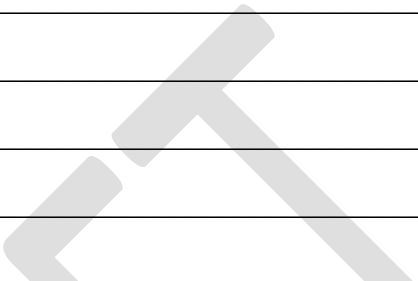
Property Owner Name: _____

Property Owner Address: _____

Property Owner Phone: _____ Property Owner Fax: _____

Property Owner E-mail: _____

DESCRIPTION OF PROPOSED IMPROVEMENTS



ITEMIZED ACTIVITY DESCRIPTION

COST

Blank lined paper with a large, faint, diagonal watermark reading "DRAFT" across the center.

TOTAL PROJECT COST:

AMOUNT OF AWARD REQUESTED:

APPLICATION CERTIFICATION

I, the undersigned, certify that I have read the program description and requirements for the Village of Glen Ellyn Fire Prevention Award Program. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that the improvements described in this application must receive all required permit approvals from the Village of Glen Ellyn prior to the commencement of construction. I further understand all eligible improvements identified in support of the award are permanent fixtures and will remain with the building.

Furthermore, I, the undersigned, my successors and assigns, hereby agree to save and hold harmless the Village of Glen Ellyn and any of its employees, officers and directors from all cost, injury and damage to any person or property whatsoever, any of which is caused by an activity, condition or event arising out of the performance, preparation for performance or nonperformance of any project improvement included in my award application. The above cost, injury, damage or other injury or damage incurred by or to any of the above shall include, in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. I understand that if my business closes or moves out of the Village of Glen Ellyn within 3 years I will be required to repay the Village in an amount as described on page 3 of the award packet.

Applicant Name (PRINT)

Applicant Signature

Date: _____

CONSENT FROM PROPERTY OWNER (Required if different from Applicant)

Property Owner Name (PRINT)

Property Owner Signature

Date: _____

*****Office Use Only*****

Application is: _____Approved _____Denied

Village President

Date

Economic Development Coordinator

Date

VILLAGE OF GLEN ELLYN
Fire Prevention Award
Award Request Certification

SUBMITTAL FOR AWARD

Please submit the following information to the Economic Development Coordinator once approved work is complete for award payment:

- This signed Award Request Certification
- Copies of invoices stamped "PAID" from all contractors, companies, individuals
- Proof of payment (limited to copies of canceled checks and/or credit card receipts)
- A signed and notarized Applicant's Affidavit for Award form provided by the Village of Glen Ellyn
- Applicant's Affidavit for Award (attached)

CERTIFICATION

I, the undersigned, warrant that all representations of the application submitted under the program are true and accurate and that there has been no material change which would in itself or cumulatively with other events impair the profitable functioning of my business operation. All agreements, warranties and representations made to the Village of Glen Ellyn are true at the time they were made and shall remain true at the time of submittal for Award under the program. I understand that if my business closes or moves out of the Village of Glen Ellyn within 3 years I will be required to repay the Village in an amount as described on page 3 of the award packet. The Village of Glen Ellyn may in its sole option cancel its assistance commitment either in whole or in part for failure to comply with the requirements of this award program or applicable Village Codes and Regulations.

Applicant Name (PRINT)

Applicant Signature

Date: _____

APPLICANT'S AFFIDAVIT FOR AWARD

STATE OF ILLINOIS)
) SS
 COUNTY OF DUPAGE)

TO: The Village of Glen Ellyn

The undersigned, _____ (Name), being duly sworn, deposes and says that he or she is the Owner/Tenant (strike one) of the property located at _____ (the "Premises") and has applied for a Fire Prevention Award from the Village of Glen Ellyn, in the amount of \$ _____, for interior improvements to the following commercial structure: _____ (the "Work.").

The attached proof of payment is true, correct, and genuine, and delivered unconditionally and the work set forth in said proof of payment has been completed and/or the materials set forth in the attached proof of payment has been used in connection with the Work in the Premises.

Upon payment of \$ _____ from the Village of Glen Ellyn, there shall be nothing due or to become due from the Village of Glen Ellyn in connection with the disbursement of the approved award amount from the Village of Glen Ellyn based on the documentation submitted to the Village of Glen Ellyn for the Work set forth in said proof of payment.

 Date

 Signature

SUBSCRIBED AND SWORN to
 before me this ____ day of
 _____, 20____.

 Notary Public

Attachment: Draft Fire Prevention Award Program (1287 : Fire Prevention Award Program Discussion)

CONTRACTOR'S AFFIDAVIT FOR WORK COMPLETED

STATE OF ILLINOIS)
) SS
 COUNTY OF DUPAGE)

TO: The Village of Glen Ellyn

The undersigned, _____ (Name), being duly sworn, deposes and says that he or she is the Owner/Employee (strike one) of _____ Construction Company (the "Contractor") and has completed work for _____, (the "Applicant") recipient of the Village of Glen Ellyn Fire Prevention Award Program.

The attached proof of payment is true, correct, and genuine, and delivered unconditionally and the work set forth in said proof of payment has been completed and/or the materials set forth in the attached proof of payment by the Contractor for the Applicant.

 Date

 Signature

SUBSCRIBED AND SWORN to
 before me this ____day of
 _____, 20____.

 Notary Public



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 06/16/14 07:00 PM
Department: Planning & Development
Department Head: Staci Hulseberg
Category: Discussion Item
Prepared By: Lauren Parisi

SCHEDULED

AGENDA ITEM (ID # 1285)

DOC ID: 1285 A

Planning and Development Director Staci Hulseberg and Police Chief Phil Norton will present the potential multi-family rental property regulations.

Background

The Village of Glen Ellyn has approximately 1,700 rental dwelling units. Over the years, the Village has become aware of problems with pest infestation, poor maintenance, mold, lack of fire/smoke alarms, and the like in rental units in certain rental developments in the community. These conditions do not reflect either the minimum standard or quality of living that should be expected in Glen Ellyn.

Currently, rental property issues are brought to the attention of the Village by residents on a complaint basis. If complaints are not made, safety and maintenance issues may go undetected and unaddressed. If a complainant will allow access to their unit, building inspectors can evaluate if building code violations exist that the Village can pursue. If access to the unit is not provided, the Village is limited in its ability to follow-up on complaints. Currently, the Village only has the authority to inspect the common areas of multi-family buildings. The Glen Ellyn Fire Company conducts annual inspections of the common areas of multi-family buildings for fire safety violations. Occasionally, the Police Department will report an issue after having been in a unit on a separate criminal complaint. The Village does not have the authority to inspect individual units unless we are invited into a unit by the occupant, permitted access by the owner or there is a building permit associated with the unit.

Rather than continuing to respond to complaints in a reactionary manner, Village staff has explored options to take a more proactive approach to pursuing rental housing issues through various programs including multi-family licensing regulations, crime-free housing programs, and nuisance ordinances. If the Village were interested in pursuing one of these programs, or a combination thereof, we would be able to design a program that would meet Glen Ellyn's needs. A brief description of each of the programs is provided below along with some of the more noteworthy elements of the programs.

Rental Housing Licensing Programs

A rental property licensing program would require all multi-family rental properties (excluding condos, townhomes, and single-family homes) to obtain a license from the Village in order to operate. With this program in place, the Village would be able to hold rental property units to specific safety and maintenance standards. If these standards are not met, the Village would have the authority to deny a property manager their license to rent units and proceed with the most appropriate course of enforcement action.

Survey Information. We requested that the DuPage Mayors and Managers Conference (DMMC) conduct a survey of DuPage County municipalities regarding the regulation of multi-family rental

properties. Please find attached a copy of the summary results provided by DMMC (Attachment 1) along with a more detailed chart of the various components of each community's programs (Attachment 2).

The DMMC survey received 22 responses. Of the 22 communities that responded, four require multi-family rental properties to both register and obtain a license, three require registration only and one community requires licensing only. Approximately half of the communities do not require registration or licensing.

Registration vs. Licensing. A multi-family regulation program can either require rental property registration or licensing. Registration would require property managers to pay an annual fee and provide basic information regarding their property including contact information and the number/size of dwelling units within the building. Property managers would not be required to allow Village inspectors into the individual units or meet any specific standards. Licensing requires property managers to pay an annual fee, provide basic information regarding their property *and* meet certain requirements/standards stipulated by the Village including allowing inspectors into the individual units. According to the DMMC survey, 80% of the communities who require inspections of their rental properties inspect the individual dwelling units. Please find attached a copy of the Village of Woodridge's Multi-Family Dwelling Licensing regulations as an example (Attachment 3).

Crime Free Housing Element. A crime free housing element can be incorporated into a rental licensing program or can be adopted as a stand-alone program. More information on a stand-alone crime free housing program is provided below. Crime free housing programs that are incorporated into rental licensing generally require each renter to sign a crime free lease addendum (Attachment 4). Municipalities in the area that require these addendums include Aurora, Elgin, Glendale Heights and Palatine just to name a few. The addendum outlines certain criminal activities that are prohibited by residents and/or guests of the resident. If good cause is established that a violation exists, it is sufficient grounds for immediate lease termination and a criminal conviction is not required.

The crime free housing element can also include required training conducted by the Police Department to train rental property owners and managers regarding human rights and fair housing, fire safety, applicant screening, gang awareness, crime prevention and more. These trainings can be offered annually or more frequently if desired.

Inspections. In order to ensure that the rental property license regulations are being met, rental units would need to be inspected on a regular basis. Some municipalities require all dwelling units to be inspected on an annual basis, while others inspect "portions," such as 20%-25% of a given property's dwelling units. If multiple violations are found in a portion of the building's units, all units will most likely be inspected thereafter. Glen Ellyn currently has about 1,710 dwelling units (excluding condos, townhomes, and single-family homes). Therefore, if we were to inspect 25% of the units annually, it would result in about 428 dwelling unit inspections.

Some municipalities offer inspection waivers. Aurora, IL offers a 2-year inspection waiver if the previous inspection of a given property reveals no violations or only minor deficiencies. Mount

Prospect, IL does not require inspections of individual dwelling units within buildings less than ten years old unless a suspicion of a violation exists. Lake Forest, IL requires inspections before the sale or transfer of a property. Different municipalities hold their rental properties and property owners to different standards.

Licensing Fees. Though the Village would need to hire an additional employee to complete the inspections and implement the licensing program, the application fees for the program would cover the cost of this employee. The following table illustrates the breakdown of annual rental property license fees for seven different municipalities.

Fee Comparison Chart													
	Range of Dwelling Units												
	1-5	6-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101+	Com. Area
Aurora	\$40-50	\$85	\$175	\$250	\$330	\$400	\$475	\$475	\$475-535	\$535	\$535	\$615	0
Elgin	\$71	\$107	\$143-178	\$214-250	\$285-320	\$356-392	\$428-463	\$499-535	\$570-606	\$642-677	\$713-748	0	0
Evanston	\$30-50	\$50	\$50-100	\$100-150	\$150	\$150	\$300	\$300	\$300	\$300	\$300	\$500	0
Glendale Heights	Applications fee = \$100 per apt. bldg. And \$200 per condo bldg./\$50 per apt. Dwelling unit												0
Mount Prospect	Application fee = greater of \$40 per unit or \$75/ Inspection Fee = \$50 per unit												0
Palatine	Multi-Family: 25% of DU's = greater of: \$100 per bldg. Or \$20 per DU; 50% of DU's = \$55 per DU; 100% of DU's = \$90 per DU Single-Family, Condos, Townhomes: 0-3 violations = \$70 per unit; 4 or more violations = \$125 per unit												0
West Chicago	\$210 per building; \$25 per dwelling unit												0
Woodridge	\$145 per building; \$10 per unit						\$95 per building; \$10 per unit (\$90 per bldg. >350)						\$145

Projected Revenue. It is estimated that there are about 186 rental properties (excluding condos, townhomes, and single-family homes) and 1,710 rental dwelling units in Glen Ellyn. The following table projects the potential revenue to the Village using the fee structures adopted by a few other communities. For a more detailed look at the different fee structures that each municipality uses, please refer to the fee structure scenarios included as Attachment 5.

Fee Structure Model	Aurora	Elgin	Glendale Heights	Mount Prospect	West Chicago	Woodridge
Projected Revenue	\$43,385	\$43,385	\$104,100	\$31,050	\$81,810	\$42,270

Staffing. In order to implement a rental licensing program, the Planning and Development Department would need to hire either an additional inspector or a consultant to perform the work. We estimate that a .75 FTE Village employee would be necessary to run the program based on other community's staffing models (see the chart labeled Attachment 6). The employee would be required to schedule inspections, perform inspections and reinspections, review lease addendums, write letters, communicate with property owners, issue citations, and issue licenses. The cost breakdown of the two options is provided below.

Planning & Development Employee	Part-time: 52 wks * 30 hrs wk = 1,560 hrs * \$23/hr = \$36,000	
	Benefits	= \$7,124
	Village Total	= \$43,124
B&F Technical Contract	Administrative cost	= \$80,000
	427 DUs * \$21/unit	= \$8,967
	186 building exterior inspections * \$80	= \$14,880
	B&F Total	= \$103,847

Crime Free Housing Programs (Stand-Alone)

A Crime Free Housing program usually brings together the Police Department, property managers and tenants to educate the community regarding crime prevention. The program often consists of three phases of certification including training, site inspection and a safety social. Once certified, a property manager can post a crime free housing sign at the entrance of their property. Since inspections are required and property managers would need to be recertified on an annual basis in order to obtain a license, this option would require an additional full-time, sworn police officer to hold trainings and conduct inspections (approximately \$100,000). A survey of 45 communities conducted by the Police Department received 8 responses reflecting that 6 have a Crime Free Housing Program in place. As mentioned above, requiring a crime free lease addendum and annual training as part of a license requirement would not require an additional police officer. Please refer to Sergeant Jean Harvey's memo for more detailed information regarding the Stand Alone Crime Free Housing Program *and* Nuisance Abatement Ordinances included as Attachment 7.

Nuisance Abatement Ordinances

As another option, the Village could choose to adopt a nuisance abatement ordinance. A nuisance is a condition or use of a property that interferes with neighbors' use or enjoyment of their property, endangers life, health or safety, or is offensive to others. If a property is determined to be a nuisance, local governments are able to use their police powers to issue citations and/or compel the owners of nuisance properties to correct those conditions. Nuisance abatement would not require additional police staff to implement.

Village Board Direction Requested

Staff is seeking direction from the Village Board regarding whether to pursue any rental property regulations.

The benefits of the adoption of one or more of the programs include: ensuring rental units comply with minimum housing standards of Village ordinances, protecting the character and stability of residential areas, improving living conditions in rental dwelling units, preventing housing conditions that adversely affect dwelling occupants, and promoting proper occupancy of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit. Possible detriments of adopting such a program include: adding another fee to rental property owners, increasing Village staff, and possibly frustrating rental property owners.

Village Board Question: Which option below should the Village staff pursue related to rental properties in the Village?

1. Continue the status quo with no changes
2. Require rental property registration which requires increasing an existing inspector's hours from 20/week to 30/week
3. Require rental property licensing (may or may not include crime free housing elements), requiring the hire of one .75 FTE inspector
4. Adopt a stand-alone crime free housing program requiring the hire of one full-time sworn police officer
5. Adopt a nuisance abatement ordinance which does not require the addition of any staff
6. Adopt any combination of the options above

Attachments:

- § Attachment 1 - DMMC Summary Survey Results
- § Attachment 2 - DMMC Detailed Survey Results
- § Attachment 3 - Village of Woodridge's Multi-Family Licensing Regulations
- § Attachment 4 - Crime Free Lease Addendum
- § Attachment 5 - Fee Structure Scenarios
- § Attachment 6 - Community Statistics Chart
- § Attachment 7 - Sergeant Harvey's Approaches to Address Nuisance Issues Memo

C: Phil Norton, Police Chief
 Jim Bodony, Fire Chief
 Jean Harvey, Police Sergeant
 Joe Kvapil, Building and Zoning Official
 Michele Stegall, Village Planner
 Bill Keel, Property Maintenance Inspector

ATTACHMENTS:

- Attachment 1 – DMMC Summary Survey Results (PDF)

- Attachment 2 – DMMC Detailed Survey Results (PDF)
- Attachment 3 – Village of Woodridge's Multi-Family Licensing Regulations (PDF)
- Attachment 4 – Crime Free Lease Addendum (PDF)
- Attachment 5 – Fee Structure Scenarios (PDF)
- Attachment 6 – Community Statistics Chart (PDF)
- Attachment 7 - Sergeant Harvey's Approaches to Address Nuisance Issues Memo (PDF)

Constant Contact Survey Results

Survey Name: Survey - Regulation of Multifamily Rentals
Response Status: Partial & Completed
Filter: None
 Jan 02, 2014 11:43:08 AM

1. Please enter the information indicated below.

First Name	22
Last Name	22
Job Title	22
Company Name	22
Work Phone	22
Email Address	22

2. Does your code require owners of multifamily residential properties to register or obtain a license before allowing unit occupancy?

	Number of Response(s)	Response Ratio
Yes, both.	4	18.1%
Yes, registration only.	3	13.6%
Yes, license only.	1	4.5%
No, neither.	11	50.0%
Other	3	13.6%
Total	22	100%

3. Your code regulation covers...

	Number of Response(s)	Response Ratio
We generally do not regulate rental properties.	13	59.0%
All rental properties, new and existing.	8	36.3%
All new rental properties developed since ordinance enactment (pre-existing)	1	4.5%
All new rental properties; pre-existing must register or be licensed if they	0	0.0%
Other	0	0.0%
Total	22	100%

4. Which interior areas of the properties are inspected?

	Number of Response(s)	Response Ratio
Inspections are not required.	12	54.5%
Common areas only, such as hallways, stairs, and lobbies.	2	9.0%
Common areas and a percentage of individual dwelling units. (Please enter	4	18.1%
Common areas and all individual dwelling units.	4	18.1%
Other	1	4.5%
Total	22	100%
9 Comment(s)		

5. How often must properties pass an inspection?

	Number of Response(s)	Response Ratio
There is no inspection.	11	50.0%
Each unit at the time of occupancy.	1	4.5%
Once a year for all properties.	7	31.8%
Passing properties are exempted from yearly inspections and inspected less	2	9.0%
Other	3	13.6%
Total	22	100%

6. Are inspections required prior to the sale of the property?

	Number of Response(s)	Response Ratio
Not applicable; we do not regulate.	10	47.6%
Yes.	3	14.2%
No.	6	28.5%
Other	4	19.0%
Total	21	100%

7. Do you exempt properties with fewer than a certain number of units?

	Number of Response(s)	Response Ratio
Not applicable; we do not regulate.	12	57.1%
Yes. (Please enter the threshold for number of units in space below.)	0	0.0%
No.	9	42.8%
Total	21	100%

1 Comment(s)

8. Are any other multifamily properties exempt?

	Number of Response(s)	Response Ratio
Not applicable; we do not regulate.	11	52.3%
Yes. (Please specify in space below).	2	9.5%
No.	8	38.0%
Total	21	100%
1 Comment(s)		

9. Is a licensing/registration checklist available for all residents to view?

	Number of Response(s)	Response Ratio
This is not applicable or readily available.	15	68.1%
Yes, on the municipal government website.	2	9.0%
Yes, in hard copy at our government offices.	2	9.0%
Yes, by request.	3	13.6%
Other	2	9.0%
Total	22	100%

10. Fees are collected at what stage of the process?

	Number of Response(s)	Response Ratio
Fees are not collected.	13	59.0%
Registration.	5	22.7%
Licensing.	4	18.1%
Per inspection.	2	9.0%
Other	3	13.6%
Total	22	100%

11. If applicable, briefly describe the general cost of multifamily residential fees and when they are required.

13 Response(s)

12. If applicable, please share other unique or important regulations in your code.

12 Response(s)

Municipality	Does your code require owners of multifamily residential properties to register or obtain a license before allowing unit occupancy	Your code regulation covers...	Which interior areas of the properties are inspected?	How often must properties pass an inspection?	Are inspections required prior to the sale of the property?	Do you exempt properties with fewer than a certain number of units?	Are any other multifamily properties exempt?	Is a licensing/registration checklist available for all residents to view?	Fees are collected at what stage of the process?	If applicable, briefly describe the general cost of multifamily residential fees and when they are required.	If applicable, please share other unique or important regulations in your code.
Addison	Yes, both.	All rental properties, new and existing.	Common areas and a percentage of individual dwelling units. 20% of total number of units.	Once a year for all properties./Passing properties are exempted from yearly inspections and inspected less frequently.	Other: Only if there are outstanding violations from a previous inspection.	No.	Yes. Owner occupied buildings with only family members living in the building are exempt.	Yes, on the municipal government website.	Registration./Licensing./Per inspection.	Fees for the licenses 2 Flat: \$150.00 3 Units: \$200.00 4 Units: \$250.00 5 Units: \$300.00 6 Units: \$375.00 8 Units: \$475.00 10 Units: \$575.00 11 Units: \$625.00 12 Units: \$700.00 14 Units: \$800.00 16 Units: \$900.00 18 Units: \$1025.00 20 Units: \$1125.00 22 Units: \$1225.00 23 Units: \$1275.00 24 Units: \$1350.00 108 Units: \$5550.00 All license fees/applications are due by April 30 every year	All rental property owners are required to take a class on Crime Free Housing with the Police Department. We also have a Tenant and Landlord Commission which meets once a month run by landlords and tenants, and staffed by representatives from our Community Development Department.
Aurora	Yes, registration only.	All rental properties, new and existing.	Common areas and all individual dwelling units. Complete interior of all units.	Once a year for all properties.	Not applicable; we do not regulate.	No.	No.	Yes, on the municipal government website./ Yes, in hard copy at our government offices./ Yes, by request.	Registration./ Other: Fines.	Registration is annual 1 Unit \$40 2 unit \$45 3-5 \$50 6-10 \$85 11-20 \$175 21-30 \$250 31-40 \$330 41-50 \$400 51-75 \$475 76-100 \$535 100+ \$615	All Agents are required to attend Land Lord Training held in collaboration with the police department. If a property is found unregistered after being notified the fine is \$250.00 plus the registration fee. It escalates to \$500.00 at 60 days.
Bensenville	Yes, registration only.	All rental properties, new and existing.	Common areas and all individual dwelling units. Every dwelling unit every year.	Once a year for all properties.	No. / Other: Looking to require presale inspections.	No.	No.	This is not applicable or readily available.	Registration.	Single family \$200 Two Unit \$225 3 - 30 DU \$70* 31 - 60 DU \$85* 61 - 100 DU \$125* 101 - 150 DU \$150* 151 - 200 DU \$185* 201 - 250 DU \$235* 251 and up \$275* * plus \$10 per DU	None.
Bloomington	No, neither.	We generally do not regulate rental properties.	Common areas only, such as hallways, stairs, and lobbies.	Once a year for all properties./Other: Common areas only.	No.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	This is not applicable or readily available.	Fees are not collected.	N/A	N/A

Bolingbrook	Yes, both.	All new rental properties developed since ordinance enactment (pre-existing are exempt).	Common areas and all individual dwelling units.	Each unit at the time of occupancy.		No.	Yes.	Yes, by request.	Licensing / Per inspection./ Other: Apartments billed after inspections.	License fee - \$35.00 yearly Apartment Inspections 4+ 75.00 each 3 @ 245.00 2 @ 195.00 1 @ 100.00 Single Family Homes Unoccupied- 125.00 Occupied- 250.00	
Burr Ridge	No, neither.	We generally do not regulate rental properties.	Inspections are not required.	There is no inspection.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	This is not applicable or readily available.	Fees are not collected.		
Carol Stream	Other: No, but the Board just made this a goal for the next two years.	We generally do not regulate rental properties.	Inspections are not required.	There is no inspection.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	This is not applicable or readily available.	Fees are not collected.		
Clarendon Hills	No, neither.	We generally do not regulate rental properties.	Inspections are not required.	There is no inspection.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	This is not applicable or readily available.	Fees are not collected.		
Elmhurst	No, neither.	We generally do not regulate rental properties.	Inspections are not required. / Common areas only, such as hallways, stairs, and lobbies.	Once a year for all properties.	Yes. / Other: for sump pump only.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	This is not applicable or readily available.	Fees are not collected.	N/A	N/A
Hanover Park	Yes, both.	All rental properties, new and existing.	Common areas and all individual dwelling units.	Once a year for all properties.	No.	No.	No.	Yes, in hard copy at our government offices.	Registration.	1st Inspection - \$75.00/unit 2nd Inspection - No Charge/unit (If Passed) 2nd Inspection - \$75.00/unit (If Failed) 3rd Inspection - \$75.00/unit Cancel/No-Show - \$50.00 (Less than 24 hour notice) The initial inspection fee is required when the applications are mailed; the property owners are invoiced.	In addition to passing an inspection, all landlords are now required to attend a Crime Free Multi-Housing training seminar and use a Crime Free Lease addendum before a license will be issued. There is also a licensing program for single unit or single family residential rental property. These properties are inspected and licensed every two (2) years. The fee for the first inspection is \$100.00, which must be submitted with the application. The remaining inspection fees are the same as the multi-units.

Itasca	No, neither.	We generally do not regulate rental properties.	Inspections are not required.	There is no inspection.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	Other: We do not regulate.	Fees are not collected.	N/A	N/A
Naperville	No, neither.	We generally do not regulate rental properties.	Inspections are not required.	There is no inspection.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	Not applicable; we do not regulate.	This is not applicable or readily available.	Fees are not collected.		
St. Charles	No, neither.	We generally do not regulate rental properties.	Inspections are not required.	There is no inspection.	No.	Not applicable; we do not regulate.	No.	This is not applicable or readily available.	Fees are not collected.		
Villa Park	Other: Crime Free Housing	All rental properties, new and existing.	Inspections are not required.	There is no inspection.	No.	No.	No.	This is not applicable or readily available.	Fees are not collected.		The Crime Free Housing program requires owners of rental units to have tenants sign an addendum that notices tenants of the owners participation in the Crime Free Housing Program.
Wayne	Other: We have no multiple housing in Wayne.	We generally do not regulate rental properties.	Other: No rentals other than single family homes. Wayne has no apartments or duplexes.	Other: No rentals other than single family homes.	Other: No rentals.			Other: No rentals.	Other: No rentals.		

Woodridge	Yes, both.	All rental properties, new and existing.	Common areas and a percentage of individual dwelling units. 20% of all units are inspected per owner or building.	Other: 20% of all units within the program and all common areas annually.	Yes.	No. If an owner owns three or more units anywhere in the Village, they must submit an application for a license annually. If less than three units are owned anywhere in the Village, they just have to register the properties.	No.	This is not applicable or readily available.	Licensing.	Fees are based on the number of units owned. Units under 100 are \$34 each. 101-200 are \$22 each. 201 and above are \$17 each. Common area only are \$250. These are required to be paid with the submittal of the annual license application.	Our multi-family code was just updated in 2012 and has been in place for 20 years. We have added single family rentals to the list of units to be registered. This was the major change. The entire code is available on our website at www.woodridge.il.us .
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Chapter 9

LICENSING OF MULTI-FAMILY DWELLINGS

3-9-1: DEFINITIONS:

3-9-2: LICENSE REQUIRED:

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3-9-11: INSPECTIONS; VIOLATIONS; SUSPENSION AND REVOCATION OF LICENSE:

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3-9-1: DEFINITIONS:

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ABANDONED VEHICLE: All motor vehicles or other vehicles in a state of disrepair which renders the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

BUILDING: A structure that is designed and built as a group of individual dwelling units, and is separated from another building by virtue of a firewall or fire separation assembly.

COMMON AREAS (EXTERIOR): The private roads and streets and private sidewalks adjacent thereto, landscaping, detention ponds, utility facilities, trash enclosures, playground equipment, swimming pools, tennis courts, basketball courts or any other recreational facilities, trail areas, parking areas, private drives, detached garages, lighting fixtures, signage, mailboxes, street benches, entrance monuments, perimeter fencing and such other improvements or structures from time to time or at any time located or constructed on a common area. Such common areas may serve, in whole or in part, one or more multiple-family dwellings.

COMMON AREAS (INTERIOR): Any portion or part thereof of a multiple-family dwelling having communal areas (laundry, furnace, storage rooms, hallways, stairways, meeting rooms) and all other areas located within a dwelling, outside of a dwelling unit. Interior common areas shall also include stoops, entrance doors, roofs, attics, balconies, lighting fixtures, signage, railings, patios, storage areas, garages, exterior building surfaces, gutters and downspouts and any other areas of a

multiple-family dwelling or building to which the owner is directly responsible for the proper maintenance thereof.

DWELLING UNIT: Any rooms or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

FOOT-CANDLE: The quantity of light reaching a surface. It is equal of the number of lumens divided by the square footage of the surface the lumens are covering, i.e., one lumen covering one square foot equals one foot-candle.

LUMEN: The quantity of light emitted by a light source.

MANAGING AGENT: Any person or firm, acting for another, with authority to rent, manage and/or make expenditures.

MULTIPLE-FAMILY DWELLING: For the purpose of this Code: one or more residential buildings under one ownership, designed and built as a group of individual dwelling units, in which units may touch by virtue of common or party walls and floors and ceilings, and which contains three (3) or more dwelling units per building, at least seventy percent (70%) of which are offered for rental or lease. Each building that is separated by another building by virtue of a firewall or fire separation assembly, and has its own address, shall be considered a separate building. When a condominium association, homeowners' association or other legal entity has the charge, care or control of any common area which serves, in whole or in part, one or more multiple-family dwellings not owned by such condominium association, homeowners' association or other legal entity, then in that event such common area shall be deemed to be a multiple-family dwelling for purposes of this Chapter.

OPERATOR: Any person who has charge, care, control or management of a multiple-family dwelling or building, or part thereof, in which dwelling units or rooming units are let.

OWNER: Any person who alone, jointly or severally with others has legal title to any multiple-family dwelling, or dwelling unit, with or without accompanying actual possession thereof; or who has charge, care or control of any multiple-family dwelling or dwelling unit, as owner, or other person; or is an executor, administrator, trustee or guardian of the estate of the owner; is a mortgagee in possession, or is a senior officer or a trustee of the association of unit owners of a condominium or homeowners' association. Any person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and the rules and regulations pursuant thereto, to the same extent as if he were the owner. Owner shall also mean any condominium association, homeowners' association or other legal entity having the charge, care or control of any common area which serves in whole or in part one or more multiple-family dwellings.

PERSON: Any individual, firm, association, partnership, corporation, trust or any other legal entity. (Ord. 93-66, 12-9-1993; amd. Ord. 99-01, 1-14-1999)

3-9-2: LICENSE REQUIRED:

No person shall operate a multiple-family dwelling without having first obtained a license therefor. Licenses shall be issued by the Village Clerk in accordance with the provisions of this Chapter. (Ord. 93-66, 12-9-1993)

3-9-3: LICENSE APPLICATION:

No such license shall be issued except upon written application filed with the village clerk. A complete application for a license shall be filed not less than thirty (30) days prior to the issuance thereof. Said application shall be signed by the legal title holder to the multiple-family dwelling. Any person seeking to renew a license issued pursuant to this chapter shall file a completed application not less than thirty (30) days prior to the expiration of the currently valid license. Application forms may be obtained from the village clerk and shall contain such information as the village clerk may, from time to time, require, including, but not limited to:

- A. Name, address, birth date, work and home telephone numbers of each owner of the multiple-family dwelling. When the owner is a land trust, the application shall include the name and address of each person(s) holding a beneficial interest and/or power of direction therein.
- B. Name, address, birth date, work and home telephone numbers of any person appointed as managing agent of the multiple-family dwelling. If the managing agent is other than a natural person, the above information shall also be provided for that employee of the managing agent specifically assigned to the multiple-family dwelling.
- C. A copy of the written management agreement between the owner and the managing agent shall be attached to the application. If no written agreement exists, the owner and managing agent shall attach an executed statement setting forth the terms of the managing agent's authority to rent, manage, and make expenditures with respect to the multiple-family dwelling.
- D. Name, address, work and home telephone numbers of the janitor(s) or engineer(s) in charge of the maintenance of the multiple-family dwelling and its heating, cooling, plumbing and electrical systems. Attached to the application shall be a statement of the janitor's or engineer's authority to maintain and repair the multiple-family dwelling and its systems, including emergency repairs.
- E. Name, address, birth date, work and home telephone numbers of any person(s) (other than those listed pursuant to subsections A, B and D of this section), if any, having authority to make any decision with respect to the management and/or maintenance of the multiple-family dwelling. Attached to the application shall be a statement of such person's authority to manage, lease and/or maintain the multiple-family dwelling.
- F. If no managing agent has been appointed, the name, address, birth date, work and home telephone numbers of an agent authorized by the owner to accept notices and process.

- G. The name, address and telephone number of each company that services the fire alarm systems and/or elevator(s).
- H. A copy of a plan evidencing what improvements, renovation(s) and/or replacements are budgeted for the license year.
- I. An irrevocable consent by the owner, permitting the village and its inspectors to enter upon any and all portions of the licensed multiple-family dwelling for purposes of making the inspections required and/or permitted under this chapter, including the right to inspect individual dwelling units.
- J. An irrevocable consent and agreement to pay all enforcement costs provided for by section 3-9-16 of this chapter.
- K. A copy of the most recent test results required under subsection 3-9-10D of this chapter. (Ord. 93-66, 12-9-1993)

3-9-4: LICENSE TERM:

Each license granted hereunder shall be an annual license, the term of which shall commence on January 1 of a given year and shall terminate on December 31 of the same year. (Ord. 93-66, 12-9-1993)

3-9-5: LICENSE FEES:

- A. Each application for a license shall be accompanied by a license fee. The license fee shall be determined by the following schedule: (Ord. 93-66, 12-9-1993)

<u>Number Of Units Owned</u>		<u>License Fee</u>
3	- 50	\$145.00 per building and \$10.00 per unit
51	- 350	\$95.00 per building and \$10.00 per unit
351	or more	\$90.00 per building and \$10.00 per unit

Common area only	\$145.00
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(Ord. 93-66, 12-9-1993; amd. Ord. 99-01, 1-14-1999; Ord. 2005-62, 12-1-2005)

- B. If a completed license application is not submitted together with the required license fee prior to January 1 in any given year, the license fee shall be increased by twenty percent (20%); and further, the base license fee shall be increased by an additional twenty percent (20%) on the first day of each subsequent month, until such time as a complete license application and the required license fee is paid.
- C. If the ownership of a building changes during the license year, the license fee for the new owner shall be determined on a prorated basis. No refund of any license fee paid shall be made.
- D. Notwithstanding any provisions contained hereinabove to the contrary, the owner of a multiple-family dwelling containing more than one hundred (100) dwelling units may elect to pay the license fee in two (2) installments. The first installment shall be in the amount of fifty percent (50%) of the applicable license fee and shall be paid at the time of application for a license hereunder. The balance of the applicable license fee shall be paid on or before July 1 of the license year. In the event the balance of the applicable license fee is not paid on or before July 1 of the license year, the license shall be deemed to have terminated on July 2 of the license year, without further action by the village.
- E. Notwithstanding any provision contained hereunder to the contrary, no license shall be renewed until such time as all costs provided for by section 3-9-16 of this chapter have been paid. (Ord. 93-66, 12-9-1993)

3-9-6: INSPECTIONS:

- A. Compliance Required: Every multiple-family dwelling shall be owned, operated and maintained in full compliance with all applicable ordinances, codes and regulations of the village.
- 1. The first license applied for with respect to any multiple-family dwelling unit under this chapter shall not be issued to any owner for any multiple-family dwelling, in the event, at the time of application:
 - a. An existing inspection report identifies any code violation which has not been corrected, and the time for correction of said violation as noted in such inspection report has expired; or
 - b. Litigation is pending with respect to code violations at such multiple-family dwelling.

2. Thereafter, the village shall conduct an annual inspection of every multiple-family dwelling during the license year to determine if said multiple-family dwelling is in full compliance with all applicable ordinances, codes and regulations of the village.

B. Scope Of Inspections: Any inspections conducted pursuant to this section shall include the interior and exterior common areas. The inspection shall include the interior of the dwelling units according to the following schedule:

1. In buildings containing up to and including eight (8) dwelling units, a minimum of two (2) dwelling units in each building;
2. In buildings containing from nine (9) to and including eighteen (18) dwelling units, a minimum of four (4) dwelling units in each building;
3. In buildings containing more than eighteen (18) dwelling units, a minimum of twenty percent (20%) of the dwelling units in each building. (Ord. 93-66, 12-9-1993)

C. Common Areas Classified As Multiple-Family Dwellings:

1. Where any common area is defined by this chapter as a multiple-family dwelling, no multiple-family dwelling served in whole or in part by such common area shall be deemed to be in compliance with this chapter unless and until such common area is in full compliance with this chapter.
2. Where any multiple-family dwelling is served in whole or in part by any common area defined by this chapter as a multiple-family dwelling, no such common area shall be deemed to be in compliance with this chapter unless and until all multiple-family dwellings served in whole or in part by such common area are in full compliance with this chapter. (Ord. 99-01, 1-14-1999)

3-9-7: LICENSE LOCATION:

A license issued pursuant to this chapter shall be valid with respect to one specific multiple-family dwelling and may not be transferred to any other multiple-family dwelling. (Ord. 93-66, 12-9-1993)

3-9-8: LICENSE TERMINATES UPON SALE:

Notwithstanding any provision contained in this chapter to the contrary, a license issued pursuant to this chapter shall terminate upon the sale of the multiple-family dwelling described in such license. (Ord. 93-66, 12-9-1993)

3-9-9: INSPECTION UPON SALE:

- A. Inspection Report Required: No multiple-family dwelling shall be sold unless the seller furnishes the buyer with a presale inspection report dated no more than one hundred twenty (120) days prior to the date of closing and dated no later than the day of the closing on the sale of said multiple-family dwelling. Said report shall be based on a village community development

department inspection of all dwelling units and all interior and exterior common areas. The report shall state that the multiple-family dwelling complies with all applicable ordinances, codes and regulations of the village or, in the alternative, list with specificity the manner in which the multiple-family dwelling does not comply with all applicable ordinances, codes and regulations. (Ord. 93-66, 12-9-1993; amd. Ord. 2010-29, 5-20-2010)

B. Request For Inspection; Fee:

1. The request for a presale inspection must be made, in writing, not less than thirty (30) days prior to the scheduled date of the closing. (Ord. 93-66, 12-9-1993)
2. The presale inspection fee shall be based on the number of inspector hours required to make said inspections and prepare the required report. The fee shall be fifty dollars (\$50.00) per hour per inspector. In the event a presale inspection report is requested and the annual inspection required by this chapter has not yet been performed for the current license year, the license fee paid for the current license year shall be credited towards the presale inspection fee. The presale inspection fee shall be paid at the time of delivery of the presale inspection report. (Ord. 93-66, 12-9-1993; amd. Ord. 2005-62, 12-1-2005)

- C. Violation: An inspection made pursuant to this section satisfies the annual inspection requirement of section 3-9-6 of this chapter. A sale for purposes of this section includes contract sales, exchanges, conversions to condominiums and transfers of possession or control of any multiple-family dwelling. Any person participating in such a sale in violation of this section, either as seller, buyer or by receipt of a sales commission, in connection therewith, shall be deemed in violation of this section and be subject to the penalties as provided for in this code. Any contract executed in violation of this section shall be voidable by the buyer. Notwithstanding the foregoing, any buyer shall be responsible for complying with each and every provision of this chapter. (Ord. 93-66, 12-9-1993)

3-9-10: ADDITIONAL REQUIREMENTS:

In addition to all other requirements set forth in this code, the following additional requirements shall be applicable to multi-family dwellings:

- A. No owner or other person shall occupy or allow another person to occupy any dwelling or dwelling unit unless it is clean, safe, sanitary, fit for human occupancy and complies with all applicable ordinances, codes and regulations of the village.
- B. Every owner shall maintain in a safe, clean and sanitary condition, the interior and exterior common areas.

- C. The owner of any multi-family dwelling shall be responsible for the removal of any and all abandoned vehicles located on the premises of said multiple-family dwelling. Such removal shall be accomplished within seven (7) days. If any abandoned vehicle poses a hazard to human safety it shall be removed immediately. Such removals shall be accomplished as otherwise provided by law.
- D. The owner shall be responsible for the maintenance and annual testing of fire alarm and emergency lighting systems. Systems shall be tested by an approved service company and a written report provided. Owner shall retain all test results.
- E. No owner shall permit the maximum occupancy of any dwelling unit to be exceeded. The maximum occupancy of any dwelling unit shall be based on the following:

<u>Number Of Bedrooms</u>	<u>Maximum Number Of Persons In Household</u>
0	1
1	2
2	4
3	6
4	8
5	10
6	12

- F. Every owner shall provide illumination for multiple-family dwellings, as follows:
- Entrances to dwellings containing more than one dwelling unit shall be illuminated during the period from sunset to sunrise with at least the equivalent of a one hundred (100) watt bulb. Such bulb shall be covered and protected by a clear polycarbonate cover or cover of equal breaking resistant material.
 - Open parking lots and access thereto providing more than ten (10) parking spaces shall be provided with a maintained minimum of four-tenths (0.4) horizontal foot-candle of light on the parking surface from dusk until dawn.

3. Parking and other nonenclosed areas under or within dwellings containing more than one dwelling unit at grade shall be provided a maintained minimum of four-tenths (0.4) horizontal foot-candle of light on the parking or walking surface from dusk until dawn.
4. Sidewalks and walkways leading from parking lots to dwelling or from dwelling to dwelling shall be provided with a maintained minimum of four-tenths (0.4) horizontal foot-candle of light on the walking surface from dusk until dawn.

Notwithstanding any provision contained herein to the contrary, the building official shall have final approval of all illumination and may alter the regulations contained herein, including the times in which the illumination is to be provided, so as to lessen the impact on surrounding properties.

G. In the event that the owner of a multiple-family dwelling resides outside the corporate limits of the village, the owner shall appoint a managing agent that:

1. Has an office at the multiple-family dwelling with regular business hours;
2. Lives at the multiple-family dwelling and has regular business hours thereat; or
3. Has an office within the corporate limits of the village with regular business hours.

A managing agent shall be authorized to receive notices and process on behalf of the owner.

H. Every owner, or managing agent, if one is required or otherwise appointed, shall have in its possession and immediately available for inspection or use by the village:

1. Keys to all common area locks at the multiple-family dwelling.
2. Copies of all current leases and their respective applications.
3. Copies of all lease applications for the past year.

I. If any clubhouse or recreation building or facility at a multiple-family dwelling is to be rented with or without consideration by thirty five (35) people or more, the owner shall be responsible for making sure a written application for such rental is completed stating the applicant's name, address, date of birth, home and work telephone numbers, reason for rental, if alcohol will be served or sold and the date, beginning time and ending time of rental. The owner is also responsible for making sure that proper security is provided as approved by the chief of police or his designated representative. If alcohol is to be present, the owner shall be responsible for compliance with all applicable codes and ordinances of the village relating to alcoholic liquor.

J. Every owner shall report to the village clerk any change in the designation of any managing agent, at least seven (7) days prior to such change.

K. Any contract for the sale of a multiple-family dwelling shall be reported to the village clerk within seven (7) days of the execution thereof, and a copy of said contract shall be provided to the village.

L. Every owner shall cause to be kept records itemizing all repairs, alterations and decorating expense in excess of one hundred dollars (\$100.00) per expenditure for a period of three (3) years after such expenditure. Upon request, such records shall be made available to the village during normal business hours upon request of the village clerk.

M. From and after the effective date of this chapter, no dwelling unit shall be rented without a written lease having been executed on behalf of the owner and the tenant. Each such lease shall contain the following provisions:

1. The consent of the tenant to the inspections required or otherwise permitted under this chapter, upon the giving of twenty four (24) hours' prior written notice posted on the door of each dwelling unit.

N. From and after the effective date of this chapter, no dwelling unit shall be rented without the owner having first obtained a written application containing or having attached thereto the following information:

1. Name, address, birth date, social security number, driver's license number, work and home telephone numbers of each applicant.
2. A copy of each applicant's driver's license and work ID (if any) shall be attached to the application.
3. A list of the current and all residences during the previous three (3) years, including addresses, name of landlord and reason for leaving.
4. Name, address, birth date, social security number, driver's license number, work and home telephone numbers of all other persons who will be residing in the dwelling unit.
5. Name, address and telephone number of nearest relative or friends (at least 2) for emergency contact purposes.
6. The make, model, color, year and current license plate numbers of all cars, boats and trailers, campers, motorcycles, etc., owned or used by the persons who will reside in the dwelling unit.
7. A certification as to the correctness of the information being provided. (Ord. 93-66, 12-9-1993)

3-9-11: INSPECTIONS; VIOLATIONS; SUSPENSION AND REVOCATION OF LICENSE: 📄

- A. Whenever, upon inspection of the licensed multiple-family dwelling, it is determined that conditions or practices exist which are in violation of the provisions of this chapter or any applicable ordinance, code or regulation of the village, the village shall serve the owner with a notice of violation. Such notice shall identify the specific violations and state that unless they are corrected within the time specified in the notice, the owner shall be cited and its license may be suspended. Notice pursuant to this section may be sent by U.S. certified mail or hand delivered to the party designated in the application to receive notices and process. (Ord. 93-66, 12-9-1993)

- B. At the end of the time allowed for correction of any violation cited, the multiple-family dwelling shall be reinspected by the village. If it is determined that the conditions have not been corrected, or they are not in the process of being corrected to the satisfaction of the director of community development, the village may issue an order suspending the license. Tenant caused violations will not be considered grounds for suspension of license as long as licensee cooperates in gaining compliance. (Ord. 93-66, 12-9-1993; amd. Ord. 2010-29, 5-20-2010)

- C. Any person whose license to operate a multiple-family dwelling has been suspended shall be given the opportunity to be heard by the village clerk in connection with the violations. Said person must submit his or her request to be heard in writing and the written request must explain in detail, the violations cited, why they have not been corrected, and a compliance time frame for completion. However, if no written request for hearing reaches the village clerk within twenty one (21) days following the issuance of the order of suspension, the license shall be revoked. The village, as a result of such hearing, may grant additional time or may revoke the license. Prior to revocation any person whose license has been suspended may request a reinspection upon a showing that the violation or violations cited in the notice have been corrected.

- D. If, upon reinspection, it is determined by the village that the violations cited in the notice have been corrected, the license shall be reinstated by the village clerk. A request for reinspection must be filed within the twenty one (21) day time period for requesting a hearing, unless the official responsible for sending the violation notice so requests. (Ord. 93-66, 12-9-1993)

- E. If the licensee is found guilty by a court of a violation of any provision of this chapter or any applicable ordinance, code or regulation in connection with the licensed multiple-family dwelling, then the license shall be subject to revocation without further notice. (Ord. 93-66, 12-9-1993; amd. Ord. 99-01, 1-14-1999)

- F. In the event a condition of extreme hazard to health or safety is found to exist, the village may immediately revoke the license.

G. Each day a multiple-family dwelling continues to operate after a license has been revoked shall constitute a separate violation of this chapter. (Ord. 93-66, 12-9-1993)

H. The first reinspection provided for in subsection B of this section shall be without charge to the owner. Thereafter, each additional reinspection shall be at a cost of fifty dollars (\$50.00) per hour per inspector, based on the number of inspector hours required to make said inspections and prepare the required report. The minimum charge for any reinspection shall be fifty dollars (\$50.00). (Ord. 93-66, 12-9-1993; amd. Ord. 2005-62, 12-1-2005)

3-9-12: TENANT RESPONSIBILITY:

No tenant shall commit vandalism in the dwelling in which the tenant's dwelling unit is located, and no tenant shall permit vandalism to occur or shall violate any of the provisions of this chapter or any applicable ordinance, code or regulation of the village in the dwelling unit leased by the tenant. (Ord. 93-66, 12-9-1993)

3-9-13: CONSENT TO INSPECTION; SEARCH WARRANTS:

A. Each owner, by operating under a license issued pursuant to this chapter, irrevocably consents to inspections by the village entering any and all portions of the multiple-family dwelling subject to owner's license, for purposes of making the inspections required and/or permitted pursuant to this chapter, including the right to inspect individual dwelling units.

B. Each lease entered into by an owner shall contain an irrevocable consent by the lessee granting unto the owner and the village the right to inspect as otherwise provided for in this chapter.

C. Upon forty eight (48) hours' notice to the owner (in the case of inspections to individual dwelling units, the owner shall notify the lessee), owner and/or lessee shall provide access to such portions of the multiple-family dwelling, including dwelling units, which are otherwise inaccessible to village inspections. During any inspection of an inaccessible portion of the multiple-family dwelling, owner shall designate a representative to accompany the village inspector(s) during such inspection.

D. Despite the irrevocable consents to inspections provided by this section, in the event that an owner or lessee objects to any such inspection, then prior to making any such inspection or taking any further action, the village shall apply for an administrative search warrant to conduct such inspection. (Ord. 99-01, 1-14-1999)

3-9-14: OWNER LIABILITY FOR ACTS AND OMISSIONS:

Every act or omission of whatsoever nature constituting a violation of any provision of this chapter by

any officer, director, manager, trustee, employer, agent or managing agent of any owner shall be deemed to be the act of such owner and such owner shall be punishable in the same manner as if such act or omission had been done or omitted by owner personally. (Ord. 93-66, 12-9-1993)

3-9-15: NONRENEWAL OF LICENSE:

A license issued pursuant to this chapter shall not be renewed unless the applicant is otherwise in conformance with the provisions of this chapter, including the correction of existing code violations in accordance with the provisions of this chapter and all other provisions of this code. (Ord. 93-66, 12-9-1993)

3-9-16: ENFORCEMENT COSTS:

- A. If any court of competent jurisdiction finds that any licensee has violated any provision(s) of this code, such court shall award to the village all of the village's costs related to the enforcement of this code, including, but not limited to, court costs, attorney fees, building inspector costs and administrative costs. (Ord. 93-66, 12-9-1993; amd. Ord. 99-01, 1-14-1999)
- B. In the event any court fails or refuses to award the village all of its costs as provided for hereinabove, such unpaid costs shall constitute an additional license fee which shall be due and payable prior to the renewal of any license for the multiple-family dwelling in question. Such additional license fee shall be in addition to the license fee otherwise required by the provisions of section 3-9-5 of this chapter. No license shall be renewed until such time as all costs provided for by this section have been paid. (Ord. 93-66, 12-9-1993)

3-9-17: PENALTY:

In addition to any and all penalties provided for in this chapter, any person found to have violated any provision of this chapter shall be subject to the general penalty provided for in section 1-4-1 of this code. (Ord. 93-66, 12-9-1993)

As part of the consideration for lease of the dwelling unit identified in the lease, Resident agrees as follows:

1. Resident and Resident's Occupants whether on or off of the property; and Resident's and Resident's Occupant's guests and invitees, are prohibited from:
 - a. Engaging in any criminal activity, including drug-related criminal activity, on or off the said premises. Drug related criminal activity shall mean the illegal manufacture, sale, distribution, use, possession and possession with intent to manufacture, sell, distribute, or use an illegal or controlled substance (as defined in section 102 of the Controlled Substance Act (21 U.S.C 812)).
 - b. Engaging in any act intended to facilitate criminal activity or permitting the dwelling unit to be used for criminal activity.
 - c. Engaging in the unlawful manufacturing, selling, using, storing, keeping or giving of an illegal or controlled substance , at any locations, whether on or near the dwelling unit premises.
 - d. Engaging in any illegal activity, including, but not limited to prostitution, criminal street gang activity, threatening or intimidating, assault, including but not limited to the unlawful discharge of a weapon, on or near the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent, or other tenant, or involving imminent or actual serious property damage.
2. *VIOLATION OF ANY ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.* A single violation of any of the provisions of this addendum shall be deemed a serious, material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease. Proof of such a violation shall not require a criminal conviction, but shall only require a preponderance of the evidence.
3. Resident hereby authorizes property management/owner to use police generated reports against Resident for any such violation as reliable direct evidence, and/or as business records as a hearsay exemption, in all eviction hearings.
4. In case of conflict between the provisions of this addendum and any provisions of the lease, the provisions of this addendum shall govern.
5. Resident also agrees to be responsible for the actions of Resident's occupants, Resident's guests and invitees, and Resident's occupant's guests and invitees, regardless of whether Resident knew or should have known about any such actions. A guest or invitee shall be anyone who Resident or Resident's occupant gives access to or allows on the premises or in the rental unit.
6. This Lease Addendum is incorporated into the lease or renewal thereof, executed or renewed at any time between Landlord/Manager and Resident/Lessee.

Resident Signature

Date

Resident Signature

Date

Property Manager's Signature

Date

Name of Property

Glen Ellyn Rental Property Revenue (Aurora/Elgin system)

	Dwelling Units											Com. Area
	1-5	6-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101+
Fees (per Bldg)	\$55	\$95	\$175	\$250	\$315	\$375	\$450	\$500	\$550	\$600	\$650	\$700
# of bldgs.	34	72	23	1	20	0	1	0	4	2	1	28
Revenue	\$1,870	\$6,840	\$4,025	\$250	\$6,300	0	\$450	0	\$2,200	\$1,200	\$650	\$19,600
Total Estimated Revenue											\$43,385	

- Fees based on a rough average of Aurora and Elgin fees
- Estimated that there are 186 rental property buildings in GE
 - Aurora- all DUs subject to annual inspection
 - Elgin- Number of DUs inspected dependent on number of DUs per building (ex. 1-5 DUs, 1 DU inspected)

Revenue Scenarios

Glen Ellyn Rental Property Revenue (Glendale Heights system)

	Dwelling Units												
	1-5	6-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101+	Com. Area
Fees	License Application Fees = \$100 per bldg; \$50 per DU												0
# of bldgs.	34	72	23	1	20	0	1	0	4	2	1	28	0
# of DUs	92	437	300	23	36	0	60	0	75	169	98	420	0
Building Revenue	\$3,400	\$7,200	\$2,300	\$100	\$2,000	0	\$100	0	\$400	\$200	\$100	\$2,800	\$18,600
Dwelling Unit Revenue	\$4,600	\$21,850	\$15,000	\$1,150	\$1,800	0	\$3,000	0	\$3,750	\$8,450	\$4,900	\$21,000	\$85,500
Total Estimated Revenue												\$104,100	

- Estimated that there are 1,710 DUs and 186 bldgs in GE
- Inspections
 - All interior and exterior common areas inspected as well as 10% of all dwelling units

Revenue Scenarios

Glen Ellyn Rental Property Revenue (Mt. Prospect system)

	Dwelling Units												
	1-5	6-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101+	Com. Area
Fees (per Bldg)	Application Fee = greater of \$40 per DU or \$75/ Inspection Fee = \$50 per unit												0
# of bldgs.	34	72	23	1	20	0	1	0	4	2	1	28	0
# of DUs	92	437	300	23	36	0	60	0	75	169	98	420	0
Application Revenue	\$2,550	\$5,400	\$1,725	\$75	\$1,500	0	\$75	0	\$300	\$150	\$75	\$2,100	\$13,950
Inspection Revenue	\$920	\$4,370	\$3,000	\$230	\$360	0	\$600	0	\$750	\$1,690	\$980	\$4,200	\$17,100
Total Estimated Revenue												\$31,050	

- Application fees all estimated at \$75
- Estimated that there are 1,710 DUs and 186 bldgs in GE
- Inspections
 - 20% of all DUs must be inspected each year, Inspection revenue computed based on 20%

Revenue Scenarios

Glen Ellyn Rental Property Revenue (West Chicago system)

	Dwelling Units												
	1-5	6-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101+	Com. Area
Fees	License Application Fees = \$210 per bldg; \$25 per DU												0
# of bldgs.	34	72	23	1	20	0	1	0	4	2	1	28	0
# of DUs	92	437	300	23	36	0	60	0	75	169	98	420	0
Building Revenue	\$7,140	\$15,120	\$4,830	\$210	\$4,200	0	\$210	0	\$840	\$420	\$210	\$5,880	\$39,060
Dwelling Unit Revenue	\$2,300	\$10,925	\$7,500	\$575	\$900	0	\$1,500	0	\$1,875	\$4,225	\$2,450	\$10,500	\$42,750
Total Estimated Revenue												\$81,810	

- Estimated that there are 1,710 DUs and 186 bldgs in GE
- Inspections
 - less than 8 units, all units inspected; 9-18 units, 4 units; more than 18, 20% of units

Revenue Scenarios

Glen Ellyn Rental Property Revenue (Woodridge system)

Dwelling Units												Com. Area
	1-5	6-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101+
Fees	\$145 per bldg; \$10 per DU						\$95 per bldg; \$10 per DU					\$145
# of bldgs.	34	72	23	1	20	0	1	0	4	2	1	28
# of DUs	92	437	300	23	36	0	60	0	75	169	98	420
Building Revenue	\$4,930	\$10,440	\$3,335	\$145	\$2,900	0	\$95	0	\$380	\$190	\$95	\$2,660
Dwelling Unit Revenue	\$920	\$4,370	\$3,000	\$230	\$360	0	\$600	0	\$750	\$1,690	\$980	\$4,200
Total Estimated Revenue												\$42,270

- Estimated that there are 1,710 DUs and 186 bldgs in GE
- Inspections
 - Same scheduling as West Chicago
- No common areas included in analysis

Revenue Scenarios

community	Total # of Rental Units	Units inspected each yr (# and %)	inspectors	% of Time spent on rental inspections vs. other inspections	Annual Inspections Per Inspector
Aurora	17,000 DU's	~7,000 (41%)	12 FT (over 3 quadrants)	75%	778 [7000/(12*.75)]
Elgin	4,000 DU's	No info	2 FT	No info	No info
Glen Ellyn	1,710 DU's (only MF) 181 bldgs.	~427 (25%)	~.75 FT inspectors 427/644	90%	644 (based on median)
Glendale Heights	1,800-2,000 Includes SF and MF	~665 (~35%) 20-25% M-F 100% other	2 FT inspectors 1 FT manager	60-70%	511 [665/(2*.65)]
Mt. Prospect	5,300 MF DU's 1,000 SF, duplex, condos	~1,260 (20%) 100% of bldg exteriors and common areas	4 FT inspectors 1 FT manager	70% (estimated at 3.5 of the 5 total inspectors)	360 [1,260/(5*.70)]
Palatine	3,600 properties 7,500 DU's	~2,250 (~30%) 25% M-F 75% other	2 FT Inspectors 1 FT manager	90% (manager performs few inspections)	1,250 [2,250/(2*.9)]
West Chicago	2,211 DU's 495 bldgs.	~885 (40%)	3 FT(outsourced)	30%	983 [885/(3*.30)]
Woodridge	4,600 DU's	~1,000 (22%)	2 PT(outsourced; inspections performed 2 mos. out of year)	100%	500 [1000/(2*1.0)]
					Average = 709 Median = 644

Community Statistics

GLEN ELLYN POLICE DEPARTMENT

MEMORANDUM

TO: Philip Norton, Chief of Police

FROM: Jean Harvey, Administrative Sergeant *JH 1/8/14*

DATE: January 7, 2014

SUBJECT: **APPROACHES TO ADDRESS NUISANCE ISSUES**

The purpose of this memo is to provide information about known options to address the issues commonly associated with higher density housing areas. Enclosed is a short description of two approaches: The Crime Free Multi-Housing program, and a Nuisance Abatement Ordinance.

The Crime Free Multi-Housing Program

The Crime Free Multi-Housing Program first began in 1992 in Mesa, Arizona. The Police Department realized that they, along with other agencies, faced an on-going problem dealing with combating increased criminal activity at rental property communities. The typical block/neighborhood watch programs were having little impact and were eventually discontinued. The main reason, they discovered, was that the rental communities were primarily transient residents. They did not have the vested interest in doing their part as citizens to assist in crime prevention as much as single family home owners did. The Police Department developed the Crime Free Multi-Housing Program which has since been implemented in approximately 2,000 cities in the United States. Additionally, its popularity spread internationally and is currently being used in countries including Canada, Mexico, England, Japan, and Afghanistan.

The concept of the program is multi-faceted and designed to be a coalition of the Village/Police department, property managers, and the residents of the rental property. The program consists of three phases of certification: training, site inspection, and a safety social.

- (1) **Training:** The training consists of a single eight-hour session which is designed to be taught by attorneys, police and city personnel. It is common to include guest speakers who have a broader knowledge base concerning specific areas related to rental properties. Attendees should include; property managers, managers, leasing staff, maintenance personnel and others on the management team as well as police officers. The topics covered are listed below:
- a. **Understanding Crime Prevention**
 - b. **C.P.T.E.D. Concepts (Crime Prevention Through Environmental Design)**
 - c. **The Application Process**
 - d. **Common Sense Self Defense**
 - e. **Community Rules/Leases**
 - f. **Apartment Communities/Not Complexes**
 - g. **Active Property Management**

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- h. **Combating Crime Problems**
- i. **Police: To Serve and Protect?**
- j. **Partnership with the Fire Department**
- k. **Dealing with Non-Compliance**

Note: Upon completion each participant will receive a *green certificate*, which must be signed by the Chief of Police and the coordinator of the Crime Free Housing Program. It shall be framed and displayed in the leasing office or such place that prospective residents will see it.

- (2) **C.P.T.E.D. Inspection (Crime Prevention Through Environmental Design):** A representative of the police department/code officer will complete an inspection of the rental property and determine if it meets the physical security and general appearance expectations of the program.

Note: Upon completion, a *red certificate*, will be issued and certifies the property has met the minimum security requirements.

- (3) **Safety Social:** The law enforcement agency will conduct a Safety Social for the residents of the property. The purpose will be to include information about safety principles, crime prevention, and provide an explanation of the Crime Free Multi-Housing Program.

Note: Upon completion, a *blue certificate* will be issued at the Safety Social to demonstrate to the residents that the management is committed to the program.

When all of these criteria have been met, the property manager will receive a *gold certificate*, indicating the full certification has been achieved. This has an expiration date of one year and will be renewed at each subsequent Safety Social. The property manager is permitted to post Crime Free Housing signs at the entrances to their property.

The implementation of a Crime Free Multi-Housing program requires an ongoing commitment from the Village as a whole in order for it to be successful. One of the first steps would include establishing a Code of Ordinances, if they do not currently exist, regulating Landlord-Tenant leases. These ordinances should also mandate that property managers are required to complete the program and acquire certification. The heart of the program is the correct use of the crime free lease addendum. This addendum outlines criminal activities that are prohibited. If good cause exists to show there is a violation of the addendum by a resident or his guest(s), it is sufficient for immediate lease termination. A criminal conviction is not required.

Nuisance Abatement Ordinance

A Nuisance Abatement Ordinance is designed to improve the quality of life by preventing and responding to issues that pertain to the safety and security of the community's residents and visitors. It provides the Village and Law Enforcement an effective tool to hold owners/managers accountable for controlling illegal activity on their properties. Some of the important details of the ordinance are listed below:

- Violations can be reported directly to the Chief of Police for review. It is his/her discretion to decide upon the course of action to be taken as listed in the ordinance.
- Premises may be declared a nuisance property when two or more instances of prohibited activity occur within a one year period; and such charges are proven by a preponderance of the evidence.
- A Nuisance Abatement case may be heard at an Administrative Hearing by the appointed hearing officer.
- The Ordinance details the violations, procedural methods, fines and remedies. Some of the remedies include giving the manager/owner/occupant specific deadlines to abate the nuisance activity, suspend/revoke rental licenses, suspend/revoke occupancy permit, or authorize the closure of the property.
- Declared Nuisance Properties can be charged for services when it is determined they receive more than the general or reasonable level of police service, and have put an undue burden on the taxpayers of the municipality.
- Makes it unlawful for an owner to terminate a lease agreement or retaliate against a tenant for bringing nuisance issues to the attention of law enforcement.

(See attached Criminal Nuisance Abatement Ordinance: Aurora Police Department)

Survey

A survey was recently sent to forty-five Law Enforcement agencies to determine if they utilized either a Crime Free Housing program or a Nuisance Abatement Ordinance. They were instructed not reply if neither were applicable to their Department. Of the forty-five, eight agencies responded with the below listed results:

- **Lisle Police Department:**
 - No: Crime Free Housing
 - Yes: Nuisance Abatement Ordinance
- **Tinley Park Police Department:**
 - Yes: Crime Free Housing
 - Yes: Nuisance Abatement Ordinance
- **Aurora Police Department:**
 - Yes: Crime Free Housing
 - Yes: Nuisance Abatement Ordinance
- **St. Charles Police Department:**
 - No: Crime Free Housing
 - Yes: Nuisance Abatement Ordinance
- **Hillside Police Department:**
 - Yes: Crime Free Housing (program in early stages)
 - Yes: Nuisance Abatement Ordinance
- **Villa Park Police Department:**

- Yes: Crime Free Housing
 - Yes: Nuisance Abatement Ordinance

- **Naperville Police Department:**
 - Yes: Crime Free Housing
 - No: Nuisance Abatement Ordinance.
- **Carpentersville Police Department:**
 - Yes: Crime Free Housing
 - No: Nuisance Abatement Ordinance

Please feel free to contact me if you have any questions regarding the information contained in this memo.

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Chapter 29 - OFFENSES—MISCELLANEOUS

ARTICLE VII. CRIMINAL NUISANCE ABATEMENT

ARTICLE VII. CRIMINAL NUISANCE ABATEMENT ^[2]

Sec. 29-125. Findings of the city council.

Sec. 29-126. Definitions.

Sec. 29-127. Violations.

Sec. 29-128. Procedure.

Sec. 29-129. Burden of proof; procedure; fines and remedies.

Sec. 29-130. Charge for nuisance services.

Sec. 29-131. Retaliation prohibited.

Secs. 29-132—29-199. Reserved.

Sec. 29-125. Findings of the city council.

The city council hereby finds as follows:

- (1) The repeated commission of criminal offenses and violations of the City's Municipal Code substantially annoys and injures the health, comfort, repose and safety of the public.
- (2) The failure of owners or managers of certain real property to control the activity occurring on their property causes repeated and substantial expenditures of public funds in order to enforce state, federal and city laws upon or near their property. Among the property management practices that contribute to the existence of activities which disturb neighborhoods are the failure of owners or managers of real property to require tenants to obey laws as a condition of leases, the failure to enforce existing provisions of leases, the failure of owners or managers to respond to or take affirmative steps to address complaints by adjoining owners, and the overall tolerance by owners or managers of criminal activity on property by tenants or their guests, all of which substantially annoys and injures the health, comfort, repose and safety of the public.
- (3) The decline in or depression of surrounding property values and the expenditures of public funds results in part from the fact that certain property owners or managers fail to adequately manage and control their property.
- (4) The provisions of this article will assist the city in the long term to renew certain neighborhoods by lessening the expenditures of public funds, increasing property values, preserving the tranquility of neighborhoods, and deterring property owners and managers from adopting inadequate management practices.

Ord. No.

Sec. 29-126. Definitions.

Aggravated nuisance activities means any of the following activities, behaviors, or conduct as defined by federal, state, or municipal statute and/or ordinance where a citation is given, an arrest is made or a violation has been documented:

- (1) Homicide.
- (2) Kidnapping.

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ARTICLE VII. CRIMINAL NUISANCE ABATEMENT

- (3) Criminal housing management.
- (4) Possession of explosives or incendiary devices.
- (5) Any offense involving unlawful use of weapons.
- (6) Mob action.
- (7) Child pornography.
- (8) Any controlled substance violation.
- (9) Felony production, sale, distribution or possession of cannabis.
- (10) Gang activity violations as described in the Street Gang Omnibus Prevention Act.
- (11) Unlawful contact with a gang member.
- (12) Violation of Methamphetamine Control and Community Protection Act.

Hearing officer means a city employee or an officer or agent of the city, other than a police officer, whose duty it is to do the following:

- (1) Preside at an administrative hearing called to determine whether or not a property is or was a nuisance property;
- (2) Hear testimony and accept evidence from the police, the person in charge/owner/occupant, and all interested parties relevant to the existence of nuisance activity;
- (3) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
- (4) Issue and sign a written finding, decision, order stating whether a violation of this article exists.

Nuisance activities means any of the following activities, behaviors, or conduct, as defined by federal, state or municipal statute and/or ordinance where a citation is given, an arrest is made or a violation has been documented:

- (1) Mob action.
- (2) Unlawful assembly.
- (3) Assault.
- (4) Battery.
- (5) Unlawful use of weapons or firearms.
- (6) Unlawful discharge of a firearm.
- (7) Prostitution.
- (8) Soliciting or patronizing a prostitute.
- (9) Keeping a house of prostitution.
- (10) Pandering.
- (11) Obscenity.
- (12) Sexual assault and sexual abuse.
- (13) Public indecency.
- (14) Disorderly conduct.
- (15) Unlawful, production, sale, distribution, possession, or use of cannabis.

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- (16) Illegal gambling.
- (17) Keeping or maintaining a place of illegal gambling.
- (18) Unlawful possession of gambling devices.
- (19) Arson.
- (20) Criminal damage to property.
- (21) Illegal consumption, sale or possession of alcohol.
- (22) Theft.
- (23) Interference with public/peace officer.
- (24) Harassment.
- (25) Indecent exposure.
- (26) Zoning violations.
- (27) Loitering.
- (28) Unlawful possession, sale, distribution or use of fireworks.
- (29) Aiding and abetting.
- (30) Conspiracy.
- (31) Trespass.
- (32) Drug paraphernalia.
- (33) Violation of noise ordinance.
- (34) Parking on the lawn.
- (35) Junk vehicles.
- (36) Unlicensed vehicles.
- (37) Occupancy violations.
- (38) Garbage, junk or trash violations.
- (39) Vandalism, graffiti.
- (40) Violations of any animal regulations.
- (41) Any violation of 720 ILCS.
- (42) Any violation of Chapter 29 of the Aurora Code of Ordinances.
- (43) Misdemeanor possession of cannabis.
- (44) Violation of 15 ILCS 235 illegal dumping.

Nuisance property means any property on which the police department has two (2) or more official police reports of nuisance activity which has occurred within a six-month period.

Person means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in the City of Aurora.

Person in charge means any person, in actual or constructive possession of a property, including, but not limited to, an owner or occupant of property under his ownership or control.

Police chief means the Chief of Police of the City of Aurora or his designee.

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Chapter 29 - OFFENSES—MISCELLANEOUS

ARTICLE VII. CRIMINAL NUISANCE ABATEMENT

Property means any property, including land and that which is affixed, incidental, or appurtenant to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit, or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property may be limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all units of property, including, without limitation, other structures erected on the property and areas used for parking, loading, and landscaping.

Sec. 29-127. Violations.

- (a) Any property on which nuisance activity occurs may be declared a nuisance property. No property shall be declared a nuisance property unless it is proven by a preponderance of the evidence that there has been two (2) or more instances of nuisance activity within a one-year period of time arising out of or arising from the property.
- (b) Any property on which aggravated nuisance activity occurs may be declared an aggravated nuisance property. No property shall be declared an aggravated nuisance property unless it is proven by a preponderance of the evidence that there has been one (1) or more instances of aggravated nuisance activity within a one-year period of time.
- (c) Any person or person in charge who (1) encourages or permits a property to become a nuisance property as defined in subsection 29-126; (2) allows a property to continue as a nuisance property; and (3) fails to implement reasonable and warranted measures, as specified by the police chief, shall be in violation of this article.
- (d) Each day that a violation of this article continues shall be considered a separate and distinct offense.

Sec. 29-128. Procedure.

- (a) When the chief of police receives one (1) or more documented occurrences of nuisance activities on a property, he may, at his discretion, independently review such reports to determine whether they describe the activities, behaviors, or conduct enumerated under section 29-126. Upon such a finding, the chief may, at his discretion, do the following:
 - (1) Notify the person in charge that the property is in danger of becoming a nuisance property. If the chief sends such notice, the notice shall contain the following information:
 - a. The street address of the property or a legal description for identification of the property;
 - b. A statement that the Aurora Police Department has information that the property may be a nuisance property along with a concise description of the nuisance activities that exist or that have occurred. The chief of police shall offer the person in charge an opportunity to propose a course of action that the chief of police agrees will abate the nuisance activities giving rise to the violation.
 - c. Demand that the person in charge respond to the chief of police within ten (10) business days to discuss the nuisance activities.
- (b) When the chief of police receives documentation of the occurrence of additional nuisance activity on the same property after notice has been given, as specified in section 29-128, the chief, at his discretion, may do the following:

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- (1) Notify the person in charge, in writing, that the property has been determined to be a nuisance property. If the chief sends such notice, the notice shall contain the following information:
 - a. The street address of the property or a legal description sufficient for identification of the property.
 - b. A statement that the matter is being referred to the city of law department to be brought before an administrative hearing officer, as defined in section 12-181 of this Code, for a hearing.
 - c. If the person in charge notifies the chief of police immediately, upon receipt of the notice and agrees to abate the nuisance within ten (10) days, or take other agreed upon, timely, and warranted measures, the chief may, at his discretion, postpone referring the matter to the law department.
 - d. Service of notice shall be made either personally or by first-class mail, postage prepaid, addressed to the person in charge at the address of the nuisance property, or such other place which is likely to give the person in charge notice of the determination of the chief of police.
 - e. A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the property is located, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first-class mail, postage prepaid.
 - f. The failure of any person to receive notice, as provided above, shall not invalidate or otherwise affect the proceedings under this chapter.

Ord No 006-94-4-1-1

Sec. 29-129. Burden of proof; procedure; fines and remedies.

- (a) At hearing before the administrative hearing officer, the city shall have the initial burden of proof to show, by a preponderance of evidence, that the property is a nuisance property.
- (b) If a property owner is summoned before the hearing officer due to nuisance property, he shall give notice, in writing, to all of his tenants on that property. Said notice shall provide the following: The physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged nuisance activity; and the possible sanctions that may be imposed upon the property owner. The notice shall be delivered, either personally or by U.S. mail, to each tenant on the property and must be posted in a prominent location on the property where the tenant(s) are likely to see it.
- (c) Such a hearing shall be held in accordance with the procedures as specified in chapter 12, article VII of this Code, except that sections 12-189, 12-190, and 12-191 shall not apply to this article. The city's representative shall present evidence in support of its claim that the property is a nuisance property. The person in charge or the person in charge's local representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable.
- (d) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing, whether or not a code violation exists. The determination shall be in writing and shall be designated as the findings, decisions, and order. The hearing officer's decision shall be final and binding, except that the administrative review law, as specified in section 12-192 of this Code, shall be applicable. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the finding of fact, and

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an order for abatement of the nuisance activity or sanctioning the person in charge/owner/occupant, as specified in [subsection (e)] below, or dismissing the case in the event a violation is not proved.

- (1) A copy of the findings, decision, and order shall be served upon the person in charge, or owner/occupant if different than the person in charge, within ten (10) business days. Service shall be in the same manner as specified in section 29-12[8](b)(1)d and e.
 - (2) Payment of any penalty or fine shall be made to the city finance department.
 - (3) In the event that the order provides for the abatement of nuisance activity, the hearing officer shall establish a status date, which would be after the date established for the abatement of the nuisance activity, in order to determine whether there has been compliance with the order. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the compliance with the order and continued abatement of the nuisance activity.
- (e) If the hearing officer makes a finding that a property was, or is, a nuisance property, he may impose any or all of the following remedies:
- (1) Fine the person in charge, and/or the owner/occupant of the property if those persons are different than the person in charge, not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each violation of this section. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The hearing officer may, at his discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the city proves by a preponderance of the evidence that the person in charge/owner/occupant failed to take reasonable and warranted measures to abate the nuisance activity. In establishing the amount of any fine, the hearing officer may consider any of the following factors:
 - a. The actions taken by the person in charge/owner/occupant to mitigate or correct the nuisance activities at the property.
 - b. The repeated or continuous nature of the problem.
 - c. The magnitude or gravity of the problem.
 - d. How cooperative the person in charge/owner/occupant is with the city.
 - e. The cost to the city of investigating, correcting, or attempting to correct the nuisance activities.
 - f. Any other factor deemed relevant by the hearing officer. Evidence of a property's general reputation and/or the reputation of the persons in or frequenting it shall be admissible.
 - (2) Order the person in charge/owner/occupant to take reasonable, timely and lawful measures to abate the nuisance activity, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned before the hearing officer to update him/her as to the continued nuisance-free status of the property for a period of up to one (1) year.
 - (3) Suspend/revoke the rental license for the rental unit(s) involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer may order that said rental unit(s) be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. If the hearing officer suspends or revokes the rental license for the rental unit(s) involved in the nuisance activity, the person in charge, or the owner/occupant of the rental unit(s) if those persons are different than the person in charge, shall receive written notice from the law department that the license to operate said rental property or the right to lease said unit(s) is suspended or revoked, as the case may be. The suspension or revocation of any license, or any right to lease unit(s), shall not release or discharge the license holder

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from paying fees or fines under this Code, nor shall such license holder be released from criminal prosecution or further civil proceedings.

- (4) Suspend or revoke the occupancy permit that has been issued by the city for the establishment, business, club or any commercial entity that currently occupies the property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.
 - (5) Close any business, office, commercial warehouse, manufacturing, industrial, office or research operation, plant, or any other commercial property, entity, or use located on or in the nuisance property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.
 - (6) Order that a vacant or unused nuisance property of whatever use or a vacant lot which is a nuisance property, whether residential or commercial, be closed and secured against all unauthorized access, use, and occupancy. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. The hearing officer may further require that the nuisance property be fenced and/or gated to physically restrict access. He may also require the hiring of security personnel to assure there is no unauthorized access, use, and occupancy.
 - (7) Issue an order to close and secure any rented or leased, non-licensed, residential property against all unauthorized access, use, or occupancy for a period of not less than sixty (60) days, nor more than one (1) year.
- (f) The hearing officer shall require each landlord who is found to have violated this article to attend the next available landlord training class as administered by the Aurora Police Department or any other entity designated by the city.

Ord No 008-2015-01-14-2015

Sec. 29-130. Charge for nuisance services.

The city council finds that any premises that has generated more calls for police service for nuisance activities after being declared a nuisance property has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the city. The city council therefore directs the chief of police to charge the owners of such premises the costs associated with abating nuisance violations as defined herein at such premises for a period of one (1) year, after which, charging for the services will cease unless the council reconsiders the facts and determines to continue to charge for such services.

Ord No 008-2015-01-14-2015

Sec. 29-131. Retaliation prohibited.

It shall be unlawful for an owner to terminate the lease agreement of a tenant or otherwise retaliate against any tenant because that tenant complained or otherwise notified the police department about nuisance activities at the owner's premises. Such eviction or retaliation shall be enforceable as a violation of this article.

Ord No 008-2015-01-14-2015

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Secs. 29-132—29-199. Reserved.

FOOTNOTE(S):

Editor's note—Ord. No. 003-08 § 1 adopted the language of §§ 29-125—29-128 in its entirety, in effect deleting Art. VII §§ 29-125—29-128 and adopting new Art. VII §§ 29-125—29-129 to read as set out herein. Former Art. VII §§ 29-125—29-128 pertained to similar subject matter and derived from Ord. No. 003-08 § 1 adopted by the City Council. [\(Back\)](#)



Crime Free Multi-Housing Program

Presented by the Aurora Police Department

Schedule Of Seminars

English Classes

- June 25, 2011
- September 17, 2011
- November 19, 2011

Spanish Classes

- September 10, 2011
- November 12, 2011

Please call (630) 256-3770 to register for a particular session.

Committed to Keeping Residential Property Safe

Registration

Registration closes 5 days prior to the class. NO WALK-INS ALLOWED. To register, please call (630) 256-3770 or **send an email** and include the following information:

- Name
- Address
- Phone Number
- Email Address
- Type of Property owned
- Addresses of all rental properties

Location

Classes will be held in the Community Room at Aurora Police Headquarters, 1200 East Indian Trail Road, 8 a.m. to 4 p.m.

Our Community Working Together

The CFMH program was developed to assist property owners/managers in managing their properties. It emphasizes cooperation among property owners, tenants, and the City of Aurora to help neighborhoods fight crime and disorder. It is our belief that by working together, we can significantly reduce the negative impact crime has on our city.

The Cost Of Crime In Rental Properties

- Decline in property value
- Property damage
- Civil penalties
- Criminal charges
- The suspension or loss of your city license to rent the unit
- Loss of rent
- Fear and frustration
- Resentment and anger between neighbors and property owners/managers
- Increased safety risks for tenants and visitors

The Benefits Of Being An Active Manager

- A stable, more satisfied tenant base
- Increased demand for rental units
- Lower maintenance repair costs
- Improved personal safety for tenants, property owners, managers and neighbors
- Positive presence in the community

What Can You Learn?

The program includes an eight-hour seminar. The topics covered include:

- Human Rights and Fair Housing
- Fire Safety
- Evictions and Court Proceedings
- Applicant Screening
- Licensing and Inspections
- Nuisance Abatement
- Section 8 and Public Housing
- Rental Agreements
- Gang Awareness
- Crime Prevention Through Environmental Design (CPTED)

Materials Provided

In addition to the topics presented, participants receive a printed manual to use as a reference guide. The manual covers topics that due to time considerations, are not presented in the seminar. It is our hope that the manual, along with other information provided, will become part of how managers and property owners manage their properties.

Questions?

If you have any questions regarding the Crime Free Multi-Housing Program, contact Officer Gary Wrobel at (630) 256-5482.

City of Aurora
Aurora Police Department
1200 East Indian Trail Road
Aurora, Illinois 60505
Non-Emergency Phone: (630) 256-5000

EMERGENCY: CALL 911

Front Desk open 24 hours a day, 7 days a week

add contact

Crime Stoppers Contribution form

Attachment: Attachment 7 - Sergeant Harvey's Approaches to Address Nuisance Issues Memo (1285 : Multi-Family Rental Property



Frequently Asked Questions About Crime Free Multi-Housing And The City Of Aurora's Nuisance Abatement Ordinance

1. Who does the Crime Free Multi-Housing Program and the Nuisance Abatement Ordinance pertain to?

The Nuisance Abatement Ordinance applies to all properties within the City of Aurora. The Crime Free Multi-Housing Program is intended for rental properties. Laws regarding rental properties and eviction proceedings can be complicated. Most small property owners operate their rental unit as an investment and may not have the background, information or experience that would assist them in preventing or dealing with problems on their property. The City of Aurora has continuously dealt with cases related to single family homes and rental properties where severe nuisance problems adversely impacted the quality of life, within the neighborhoods, and the property owner was unaware or unable to quickly or effectively resolve the matter. The Crime Free Multi-Housing program can help you be prepared to prevent problems or be ready to quickly and effectively resolve any problems should they occur.

2. What is the Nuisance Abatement Ordinance?

The ordinance is designed to enhance the quality of life by preventing and responding to the safety and security concerns of our community.

3. Who must attend the CFMH Seminar?

All owners of residential, non-owner occupied properties. If you have already attended the Landlord Training Class or have a CFMH certificate of completion from another recognized agency you are exempt. Proof of certification is required for exemption. You only need to attend this seminar once, regardless of the number of properties that you own. There may be times when a property owner (or agent or designee) could be mandated to attend the seminar more than once as a result of a nuisance abatement violation.

4. I live out of state. Do I have to attend?

Not necessarily. If you live out of state, you are required to have a local individual that handles matters for you related to the rental property. With this in mind, the ordinance does state the rental property owner OR agent (manager), OR the owner's designee shall attend a CFMH seminar. An annual renewal is not needed.

5. What will I learn in the CFMH Seminar?

The Crime Free Multi-Housing Program was developed in 1992 by the Mesa, Arizona Police Department. Over 1700 communities in 44 states and 4 Canadian provinces have been trained in CFMH. The information contained in the seminar is a compilation of experience and proven methods from professional rental property managers, lawyers, and police officers. Seminar topics include:

- Explanation of the City's residential rental ordinance
- CPTED (Crime Prevention Through Environmental Design) overview
- Applicant Screening, Rental Agreements and Federal Fair Housing Act
- Crime Prevention, Risk Management and Crime Free Lease Addendum
- Active Property Management and Working with the Police
- Trespass Agreements and Nuisance Abatement
- Kane County Judge discussing leases and evictions
- Gang and Drug Awareness
- A workbook and additional valuable resource information

6. Does the ordinance require me to evict a tenant for one criminal incident?

No. The ordinance does not require an eviction based solely on criminal activity. It does require the property owner/manager to take action to ensure no additional incidents occur. The ordinance does require the use of a Crime Free Lease Addendum or use similar wording, in the body of the lease, that makes criminal activity a cause for eviction. It simply provides the property owner the tools and ability to deal with a problem if they choose or need to, possibly leading up to an eviction. The Crime Free Lease Addendum is similar to the one developed by HUD and used in section 8 leases utilized by housing authorities. Evictions based on this concept were upheld by the U.S. Supreme Court in 2002 (see *Oakland Housing Authority v. Rucker* and *Department of Housing and Urban Development v. Rucker*).

7. Doesn't the ordinance promote discrimination or profiling?

No. The Federal Fair Housing Act, which is discussed during the seminar and contained in the workbook has seven protected classes. A person's behavior is not a protected class. The ordinance is designed to provide education and tools to rental property owners that will assist them and empower them to reduce the chances of problems and be prepared to quickly and effectively deal with problem tenants.

8. How can I be held responsible for the actions of my tenants?

A rental property, regardless of size, is in fact a business operation. While the City of Aurora has the power to declare certain businesses a nuisance, it has the right and responsibility to do the same for troublesome rental properties. The ordinance is

designed to provide education and tools to rental property owners that will assist them and empower them to reduce the chances of problems and be prepared to quickly and effectively deal with problem tenants.

9. Does Crime Free Multi-Housing really work?

YES!!! This multi-faceted approach to crime prevention is designed to assist property owners and managers to pro-actively avoid problems on the property. Crime and drug infested properties around the country have seen dramatic decreases in calls for police service after CFMH was implemented. On average there is a 68% reduction in calls for service once the CFMH program is set into place. For example the Village of Schaumburg started their Crime Free Multi-Housing Program in 1999. Since then, they have experienced an 11% decrease in calls for police service at their 18 major rental properties. It is apparent that their efforts of their CFMH program working with rental property managers along with their beat teams and specialty units have been effective.

10. National criminal background check & landlord/tenant lease addendum.

All landlords who are licensed to rent properties and who are applying to be licensed to rent properties must:

- Conduct a national criminal background check on all new non-owner occupants (18 years of age and older) prior to occupying any rental dwelling unit OR at the time of a lease renewal. National criminal background checks must be conducted by a reputable agency that utilizes the national database. A list of a few of the web-based resident screening sites is provided on the **Police – Crime Free Multi Housing web page**. (Article x Sec. 12-402) (*Criminal background checks conducted by the Aurora Police Department no longer meet the ordinance requirements.*)
- Incorporate in the body of all property leases or rental agreements wording substantially similar to that which is found in the City of Aurora's **Landlord-Tenant Lease Ordinance**. Owners using written, oral or no lease agreements are required to complete a landlord-tenant lease addendum. This addendum must then be signed and dated by all tenants (18 years of age and older) occupying the rental property. A copy of this three page document is located on the Police – Crime Free Multi Housing web page. (Article X Sec. 12-403)

As a rule of thumb a national background check must be conducted on all tenants that are documented on the landlord-tenant lease addendum.

City of Aurora
Aurora Police Department
1200 East Indian Trail Road
Aurora, Illinois 60505
Non-Emergency Phone: (630) 256-5000
EMERGENCY: CALL 911

Front Desk open 24 hours a day, 7 days a week

[add contact](#)

Crime Stoppers Contribution form
