

ORDINANCE NO. 2008-24

AN ORDINANCE AMENDING: (1) CHAPTER 26 OF THE VILLAGE OF GLENWOOD'S CODE OF ORDINANCES IN ORDER TO ADD A NEW ARTICLE XI, TITLED, "LANDLORDS/CRIME FREE HOUSING" AND (2) APPENDIX B OF GLENWOOD'S CODE OF ORDINANCES, TITLED, "SCHEDULE OF FEES"

WHEREAS, Landlords that rent to tenants that are either engaged in criminal activities or otherwise fail to follow Village ordinances endanger Village residents; disrupt the peace and tranquility of the Village; increase the public burden upon law enforcement; and harm the quality of life within the Village of Glenwood;

WHEREAS, there has been an increasing amount of criminal activity occurring near to or on the premises of rented or leased residential dwelling units located in the Village;

WHEREAS, in order to combat criminal activity that has been occurring near to or on the premises of rented residential dwelling units within the Village and in order to preserve and protect the public safety and welfare of persons living in or near rented residential units, it is necessary to require that Landlord's include a Crime Free Housing Addendum in their leases;

WHEREAS, the Corporate Authorities of the Village of Glenwood have determined that the public health and welfare necessitates that new licensing provisions be added to address and regulate landlords; and

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Glenwood, Cook County Illinois, pursuant to their home rule powers as follows:

**SECTION 1: RECITALS.**

The forgoing recitals are a material part of this ordinance and are incorporated herein as if they were fully set forth in this section.

**SECTION 2: AMENDMENT TO ADD NEW ARTICLE XI TO CHAPTER 26 OF THE VILLAGE OF GLENWOOD'S CODE OF ORDINANCES.**

Chapter 26 of the Village of Glenwood's Code of Ordinances is herein amended to add new Article XI, titled, "Landlords/Crime Free Housing" which shall state in its entirety as follows:

**ARTICLE XI**

**LANDLORDS/CRIME FREE HOUSING**

**Sec. 26-800. Definitions.**

For the purpose of this Article XI, the following words and phrases shall be defined as follows:

- (a) "Landlord" means and shall include the following:
  - (i) any person or entity who alone, jointly, or severally with others has legal title to any land or premises located in the Village which is leased in whole or in part for residential purposes; or
  - (ii) any person who is an executor, administrator, trustee or guardian of the estate of a legal title holder of land or premises located in the Village which is leased in whole or in part for residential purposes; or
  - (iii) any person who is a mortgagee in possession, or has been appointed to serve as the trustee of any land or premises located in the Village which is leased in whole or in part for residential purposes.

**Sec. 26-801. License required.**

After May 1, 2008 it shall be unlawful for any Landlord to rent any residential property or dwelling unit to another within the Village without first obtaining a Landlord's license. A separate Landlord's License is needed for each building/structure that is in whole or in part rented. The License shall identify the Landlord, the address of the building/structure and the units within the structure to which it applies. Additional units that were not included within the initial License obtained may be added to the License by submitting an amended application for the building/structure and paying any increase in fees caused by the additional units. A Landlord's License shall not be transferable either as to location or as to licensee. No fines for the violation of this Section 26-801 shall be sought or imposed until after May 1, 2009. After May 1, 2009 a violation of this Section 26-801 shall result in a fine of not less than 50 dollars and not greater than 200 dollars for each violation. Each day that a violation of this Section exists shall be a separate and distinct violation.

**Sec. 26-802. Application for license; contents.**

Application for a Landlord's License shall be made in writing to the Village Clerk, signed and notarized by the applicant, and shall include the following information:

1. The address for the building or structure for which a Landlord's License is sought.

2. The type of building/structure (i.e. single-family, condominium, townhouse, multi-family, other).
3. The total number of units and the Landlord's designation for each unit in the building/structure. If only a portion of the units are being rented, the identity of each unit(s) within the building/structure for which a Landlord's License is sought.
4. The name, address and telephone number for each Landlord and the name of any agent authorized to act on behalf of any Landlord(s). If the Landlord(s) does not reside or have an office in either Cook, Will, DuPage or Lake County, Illinois, the Landlord(s) shall designate an agent who either resides or has an office in Cook County, Illinois who is authorized to receive service of any notices or violations of this Article XI.
5. The name, address and telephone number of any property manager.
6. The name, address and emergency phone number of an emergency contact authorized to act for the Landlord(s).
7. For each unit in the building/structure for which a Landlord's license is sought: (a) the name of the tenant(s) or lessee(s) that have contracted with the Landlord(s) to lease the unit; (b) the number or designation of the unit given by the Landlord(s); (c) whether the lease is written or oral; and (d) the first future date that the Landlord(s) can terminate the lease.
8. A statement from the Landlord(s) indicating that on and after May 1, 2008, every new lease and every renewal/extension of an existing lease it enters into for any residential unit within the Village will include the Crime Free Housing Addendum required by Section 26-803 which shall be signed by both the Landlord(s) and the Tenant(s)/Lessee(s).
9. A statement from the Landlord(s) indicating that on and after May 1, 2008, it will file with the Village a copy of the Crime Free Housing Addendum required by Section 26-803, signed by both the Landlord(s) and the Tenant(s)/Lessee(s) for each new lease or renewal/extension of a lease that is entered into by the Landlord(s) for any residential unit contained within the Village.
10. A certification that the Landlord(s) has read the requirements of this Article and understands its contents.
11. A notarized certification from the Landlord(s) stating that the information disclosed within the application is true and correct.

**Sec. 26-803. Crime Free Housing Addendum.**

**SEE ATTACHED**

**Sec. 26-804. Penalty.**

No fines for the violation of Section 26-803 shall be sought or imposed until after May 1, 2009. After May 1, 2009 a violation of Section 26-803 shall result in a fine of not less than 50 dollars and not greater than 200 dollars for each violation. Each day that a violation of Section 26-803 exists shall be a separate and distinct violation.

**Sec. 26-805. Minimum requirements.**

Nothing contained within this Article XI shall prevent a Landlord(s) from including a Crime Free Addendum or similar requirements that are stricter than the requirements of Section 26-803 as part of any lease.

**Sec. 26-806. Landlord's failure to file the Crime Free Housing Addendum with the Village.**

It shall be unlawful for any Landlord to fail to file with the Village, a copy of the Crime Free Housing Addendum required by Section 26-803, signed by both the Landlord(s) and the Tenant(s)/Lessee(s), for each new lease or renewal/extension of a lease of a rental unit in the Village. No fines for the violation of this Section 26-806 shall be sought or imposed until after May 1, 2009. If, after May 1, 2009, the Crime Free Housing Addendum required by Section 26-803 is filed with the Village more than 30 days after it was last signed by the Landlord(s) or Tenant(s), the Landlord(s) shall pay a fine of \$25.00. If, after May 1, 2009, the Landlord(s) has still not failed to file the Crime Free Housing Addendum required by Section 26-803 within 30 days after the Village after has advised the Landlord(s) of this deficiency, then the Landlord(s) shall pay a fine of \$50.00.

**Sec. 26-807. False statement on an Application for a Landlord's License; Revocation.**

It shall be unlawful for anyone to make a false statement or to provide false information on an application for a Landlord's License. A violation of this Section 26-807 shall result in a fine of \$750.00. A final judgment indicating that a violation of this Section has occurred shall result in an automatic revocation of the Landlord's License that was granted upon the application that included the false statement or the false information.

**Sec. 26-808. License fee.**

The annual license fee for a Landlord's License for a single-family, condominium, townhouse or multi-family unit shall be such amount as provided in Appendix B, Schedule of Fees, of this Code, as revised from time to time.

**Sec. 26-809. Term; renewability.**

Every license issued pursuant to this Article shall expire on April 30 next after its issuance and shall be renewed from year to year upon completion of the application required by Section 26-802, the payment of the fee required by Section 26-808 and the payment of any final judgments owed by the Landlord for any fines imposed under Sections 26-801, 26-804, 26-806 and 26-807 for the property that is the subject of the license. A judgment shall not be final for the purposes of this Section if an appeal of the judgment is pending.

**Sec. 26-810. Exceptions.**

Any provisions of this Article XI that are either precluded by or inconsistent with any Federal or State law, rule or regulation that pertains to any housing program in which the Landlord(s) is actually participating shall not be applicable to the participating building/structure. In the event a Landlord(s) is participating in a Federal or State housing program that would either preclude or be inconsistent with any provision of this Article XI, the Landlord(s) shall notify the Village in writing of the nature of the inconsistency, identify the provision of this Article which is precluded or inconsistent with any Federal or State law, rule or regulation and provide the Village with all laws, rules and regulations which either preclude or are inconsistent with the terms of this Article XI.

**Sec. 26-811. List of Rental Units in Condominium and Homeowner's Associations.**

Upon the request of the Village or, if no such request is made, during the month of February of each year, each condominium association and each homeowners' association which includes dwelling units located in the Village shall provide the Village with a written list identifying all dwelling units under the jurisdiction of the condominium association or homeowners' association which are being leased or otherwise rented out by the owner of the dwelling unit. The list shall contain the name and address of the owner of each dwelling unit under the jurisdiction of the condominium association or homeowners' association that is being leased and an identification of the unit being leased.

**Sec. 26-812. Nuisance Residential Rental Property.**

It is hereby declared a public nuisance and a danger to the public safety, health, welfare and morals of the Village and its residents for any person to permit or allow any of the following:

- (a) the rental of a residential unit to a tenant who allows any of the following offenses to occur on the premises being rented or leased by the tenant: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, sale of obscene publications, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois Controlled Substances Act, violation of the Cannabis Control Act or the commission of any two or more offences punishable by imprisonment for a period of more than six months under the laws of the State of Illinois or the United States;
- (b) the occupation of a rental residential unit by a tenant who allows any of the following offenses to occur on the premises being rented or leased by the tenant: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, sale of obscene publications, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois Controlled Substances Act, violation of the Cannabis Control Act or the commission of any two or more offences punishable by imprisonment for a period of more than six months under the laws of the State of Illinois or the United States;
- (c) the rental of a residential unit to a tenant who allows any of the following offenses to occur on the premises being rented or leased by the tenant: commission of four (4) or more Village Ordinance violations in a six (6) month period;
- (d) the occupation of a rental residential unit by a tenant who allows any of the following offenses to occur on the premises being rented or leased by the tenant: commission of four (4) or more Village Ordinance violations in a six (6) month period.

**Sec. 26-813. Prosecution of violations; Injunctions.**

Violations of this Article XI are subject to prosecution under the Village's administrative adjudication proceedings as now or herein after amended. The provisions of this Section 26-813 shall not preclude the Village from using other methods or proceedings to adjudicate alleged violations of this Article XI, including without limitation, the institution of an action in the Circuit Court of Cook County, or before any other tribunal having jurisdiction to consider the violation. The Village may also institute an action to enjoin any person from committing violations of this Article XI. In the event an action seeking to enjoin the violation of this Article XI is instituted by the Village and an injunction issued, the person whose conduct is enjoined shall be required to pay the Village for the attorneys' fees and all other costs incurred in obtaining the injunction.

**SECTION 3: AMENDMENT TO CHAPTER 26 OF APPENDIX B OF THE VILLAGE OF GLENWOOD'S CODE OF ORDINANCES IN ORDER TO ADD NEW SECTION 26-808.**

That portion of Appendix B to the Village of Glenwood's Code of Ordinances titled, "Schedule of Fees," which contains the fees required under the various provisions of Chapter 26 of the Village of Glenwood's Code of Ordinances shall herein be amended to add a new section 26-808 and a license fee for Landlord's Licenses, which shall provide as follows:

26-808	Landlord's License: annual fee for each leased single-family, condominium or townhouse	\$50.00
	Landlord's License: annual fee for each unit in a multi-family building/structure	\$25.00 per unit

**SECTION 4: HOME RULE.**

This Ordinance, and each of its terms, shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should: (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law; or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Glenwood that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 5: INVALIDITY.**

In the event any portion of this ordinance is found to be invalid, the remaining portions of this ordinance shall be severible from any such invalid portion and enforced to the fullest extent possible.

**SECTION 6: REPEALER.**

The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent there may be any conflict. All existing ordinances of the Village which directly conflict with the terms of this Ordinance are herein repealed.

**SECTION 7: EFFECTIVE DATE.**

This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2008.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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Jeanne F. Maggio, Village President

ATTEST:

\_\_\_\_\_  
Linda M. Frank, Village Clerk