

## **CHAPTER 13**

### **REGULATION OF RENTAL DWELLING UNITS**

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#### **3-13-1: DEFINITIONS:**

The following definitions shall apply in the interpretation and enforcement of this chapter:

**BENEFICIAL OWNER:** A beneficial owner as used in this chapter shall refer to any person holding any interest whether as an owner, beneficiary, partner or stockholder in an entity which owns real estate where any portion of the real estate is rented or leased for use as a residential dwelling unit. A person holding less than a ten percent (10%) interest in any such entity shall not be defined as a beneficial owner for the purposes of this chapter.

**BOARDING HOUSE:** A rooming house.

**COMPLIANCE OFFICE:** The Department of Building and Zoning or the Director of Building and Zoning, respectively, or such office or officer as may be designated by the President hereafter.

**DWELLING:** Any building or portion thereof which is designed for and used for residential purposes.

**DWELLING UNIT:** Shall mean a residential dwelling unit.

**HOTEL:** Any building containing guestrooms designed to be rented out to be occupied for sleeping purposes by guests, but not including any hotel regulated under of this Code.

**LANDLORD:** A person who rents or leases or offers to rent or lease a dwelling unit or multiple dwelling units within the Village of East Alton at any time.

**LANDLORD MANAGER:** A human being who is designated by the landlord as the contact individual for all purposes of communication with the Village of East Alton. The landlord must provide the name of the individual and all contact information for the individual as the same may change from time to time so long as landlord is authorized to do business in the Village of East Alton.

**LODGING HOUSE:** A rooming house.

**MANAGING AGENT OR MANAGER:** A person other than an owner designated by an owner to be an operator as defined herein.

**MOTEL:** A hotel.

**MULTIPLE-FAMILY DWELLING:** A building designed to be occupied by three (3) or more family units.

**ONE-FAMILY DWELLING:** A building designed for occupancy by one family unit and occupied exclusively by one family unit.

**OPERATOR:** Any person who has charge, care or control of a building, or part thereof, in which one or more dwelling units are let, rented or leased.

**OWNER:** Any person who alone or jointly or severally with others has legal title or any beneficial interest in any dwelling or dwelling unit, with or without actual possession thereof.

**PERSON:** Person or persons as used in this chapter shall refer to any legal entity whether a natural person, corporation, limited liability partnership, partnership, trust, or other legal entity authorized to do business in the State of Illinois and authorized to own an interest in real estate in the State of Illinois.

**REGULATORY CERTIFICATE:** Shall be defined as in this title and shall for purposes of this chapter be considered synonymous with the term "license".

**RESIDENTIAL DWELLING UNIT:** Shall be defined for purposes of this chapter as the term "dwelling unit" is defined in section 10-1-5(B) of this Code, as amended from time to time.

**ROOMING HOUSE:** Means a building other than a hotel where lodging and prepared meals are provided for income or profit for definite periods pursuant to previous agreement.

**ROOMING UNITS:** A dwelling unit designed for sleeping or living purposes but not for cooking purposes.

**SINGLE-FAMILY DWELLING:** A one-family dwelling.

**TWO-FAMILY DWELLING:** A building designed for occupancy by two (2) family units and occupied exclusively by two (2) family units.

### **3-13-2: PURPOSE:**

The Village Board hereby establishes the following license and regulation program of residential rental properties so as to protect the public health, safety and welfare of the people of the Village, and

- A. To protect the public health and safety by insuring rental units comply with minimum housing standards of Village ordinances; and, to correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well being of persons occupying the dwellings.
- B. To protect the character and stability of residential areas; to facilitate the enforcement of minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight; and, to preserve the value of land and buildings throughout the Village.

**3-13-3: REGULATORY CERTIFICATE REQUIRED:**

- (A) It shall be unlawful for any person or beneficial owner to engage in the business of renting or leasing one or more residential dwelling units in the Village of East Alton without a current Class F Regulatory Certificate (also referred to herein as “license”) as defined in Chapter 1 of this Title. The requirements of this Chapter shall not be applicable to any governmental housing authorities or departments, boarding houses, hotels, nursing homes, or a high rise multifamily structure.
- (B) No license shall be issued/renewed if the applicant or any beneficial owner of an entity which is the landlord:
  - (1) Is delinquent in the payment of any fees, service charges, taxes, or fines due the Village of East Alton;
  - (2) Is currently in violation of any requirements of the Building or Housing Codes of the Village of East Alton;
  - (3) Has failed to disclose a rental dwelling unit within the Village of East Alton;
- (C) The fee for Regulatory Certificate shall be \$100.00 per year and is due on January 1<sup>st</sup>.

**3-13-4: REGISTRATION OF INDIVIDUAL DWELLING UNIT:**

- A. Each individual dwelling unit in the Village owned by a landlord who is required to be licensed under this chapter must be registered with the Village as belonging to or managed by the licensed landlord. The registration must include the location of each dwelling unit, its address, legal owner, every beneficial owner, and must include a copy of the latest occupancy permit for that dwelling unit issued by the Village of East Alton. Reasonable evidence of ownership may be required to be presented by landlord. A landlord shall not be required to register his or her personal permanent residence unless rented to another party for any period of time.
- B. For each residential dwelling unit required to be registered by the landlord pursuant to this section, an annual fee of twenty dollars (\$20.00) shall be due and payable to the Village of East Alton except as herein provided. If a landlord and all beneficial owners of a dwelling unit hold no interest in any other dwelling unit rented or offered for rent for occupancy in the Village of East Alton, all fees as for that landlord license and registration shall be waived.

- C. All residential dwelling unit registration fees shall be on a calendar basis with no proration as to when a dwelling unit is registered or occupied within a calendar year. The Village may inspect any dwelling unit annually at a reasonable time upon agreement with the occupants to assure compliance with all applicable Village codes and regulations. Should the applicants refuse access to the Village for an inspection, the Village may apply to the Circuit Court for an administrative search warrant upon a proper showing of cause to the court.
- D. It shall be unlawful for any person required to be licensed as a landlord to permit any residential dwelling unit to be occupied unless the landlord is licensed and the individual dwelling unit is registered with the appropriate registration fee paid. In addition the occupancy permit required by change of this Code shall be required.
- E. No residential dwelling unit may hereinafter be rented or leased to a new occupant unless it is registered to a properly licensed landlord as required by this chapter.

**3-13-5: FAILURE TO COMPLY:**

- (A) The Landlord Business License may be denied, revoked or suspended in the event the landlord or any beneficial owner of an entity which is the landlord:
- (1) Is delinquent in the payment of any fees, service charges, taxes, or fines due the Village of East Alton;
  - (2) Is found to have violated any requirements of the Building or Housing Codes of the Village of East Alton;
  - (3) Has failed to disclose a rental dwelling unit within the Village of East Alton;
  - (4) The landlord of the residential rental unit allowed or permitted the commission of any act or omission constituting a felony under Illinois Law, on the leased premises or on common areas related to the leased premises, or
  - (5) The commission of four or more violations of Village ordinances within any six-month period, within the residential unit, or on common areas related to the rental unit, or
  - (6) The failure of the licensed landlord to take prompt, diligent and lawful steps to remove the lessees from possession of the rental unit;
    - a. Following notice of the commission of a felony in the rental unit where allowed or permitted by lessee, or
    - b. Following notice of four ordinance violations in the residential rental unit, where allowed or permitted by lessee, or
  - (7) Any act of lessee, or guest of a lessee, constituting abuse or harassment of a family or household member under the Illinois Domestic Violence Act (750 ILCS 60 et seq.) as now or as hereafter amended, shall not, by itself, constitute solely for the purposes of this section, a violation of any lease or lease addendum, or cause to suspend or revoke a business license of a lessor of

residential real property. However, any simultaneous or concurrent behavior constituting an ordinance violation, felony, or misdemeanor, occurring simultaneously or concurrent with the violation of the Illinois Domestic Violence Act, may be considered by the administrative hearing officer in any hearing conducted to determine the issuance of a fine or the suspension or revocation of the business license of a lessor of residential real estate property, under this section.

- B. Before the privileges of the landlord to rent or lease any dwelling unit is denied, revoked or suspended pursuant to this section, the landlord shall be afforded a notice which shall describe the cause alleged to exist for the denial, revocation or suspension of the landlord's right to rent or lease a dwelling unit and upon the request of the landlord, a hearing shall be scheduled before a Hearing Officer to be appointed by the President. The Hearing Officer may be an official of the Village of East Alton or an employee of the Village of East Alton so long as such Hearing Officer is: 1) not the person bringing the allegations against the landlord and 2) not a witness who testifies in the hearing against the landlord. The Hearing Officer shall be required to determine whether sufficient cause exists for the denial, suspension or revocation of the privileges of the landlord to rent or lease any dwelling unit and shall reduce the decision to writing to be served upon the landlord within twenty one (21) days of the conclusion of the hearing. Should the landlord desire to appeal the decision of the Hearing Officer, he shall file a "Petition to Appeal" with the Village Clerk along with a copy of the decision from the Hearing Officer within thirty (30) days after the decision of the Hearing Officer is mailed to or served upon the landlord. The appeal will be scheduled for a public hearing with notice to the landlord before the Village Board of the Village of East Alton at which hearing the Hearing Officer (if a member of a council) shall not participate as a member of the Village Board; but, he may participate as a witness or present questions or comments in the course of the hearing as such rights shall also be allowed to any interested person.
- C. The procedure to deny, revoke or suspend the privileges of the landlord to rent or lease any dwelling unit as afforded by this section shall be in addition to any other remedies provided by the Village Code or State Statutes with regard to the actions or inactions of the landlord with regard to any debts owing to the Village of East Alton, or the Circuit Court, as a result of any violations of any Housing or Building Codes of the Village of East Alton.
- D. Should the privileges of a landlord to rent or lease any dwelling unit be denied, revoked or suspended, any tenants in possession of a dwelling unit of the landlord shall not be affected but no new tenants shall receive a certificate of occupancy for any dwelling unit owned by the landlord, in whole or in part, during any period of suspension or revocation of the landlord license.