

ORDINANCE NO. 3159

**AN ORDINANCE AMENDING THE VILLAGE CODE
BY ADDING THERETO ARTICLE 3, CHAPTER 22: SINGLE FAMILY
RENTAL UNITS BUSINESS LICENSE**

WHEREAS: The Village of Elk Grove Village (hereinafter “Village”) is a home rule unit of government as setforth and established by the Constitution of the State of Illinois; and,

WHEREAS: Single family homes located in the Village are rented to third parties to occupy as a means of generating revenue to the property owner; and,

WHEREAS: Single Family rental homes are a significant investment on the part of the property owner; and,

WHEREAS: Single family homes in Elk Grove Village are predominately located in areas absent of homeowner’s associations and associated rules, regulations, and covenants of said associations that control the property; and,

WHEREAS: The Village has a need to communicate with the owner(s) of rental homes in the Village from time to time to abate public safety issues, nuisance complaints, or otherwise communicate information to the homeowner concerning the status of the home or neighborhood; and,

WHEREAS: To effectively conduct this communication, the Village finds it necessary to know who owns, occupies, and manages single family homes being rented in the Village; and,

WHEREAS: The Village Board has determined that the best method of obtaining this information is to establish a Business License for Single Family Rental Units.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Elk Grove Village, Cook and DuPage Counties, Illinois as follows:

Section 1: There is hereby created Article 3, Chapter 22 of the Village Code entitled “Single Family Rental Units” as follows:

Single Family Rental Unit Business License

- Section 3-22-1: Definitions
- Section 3-22-2: License Required
- Section 3-22-3: Business License and Filing Fee
- Section 3-22-4: Penalties
- Section 3-22-5: Adjudication

Section 3-22-1: Definitions:

Single Family Dwelling Unit means: Any building which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation that is located within the Village designated R-1, R-2, or R-3 Zoning District. The definition does not apply to any multi-family units or hotels or motels, nor does the definition apply for a single room for rent in a single family dwelling unit.

Rental Home means: Any single family dwelling unit which is offered for rent, lease or hire, or which is rented, leased or hired. A home shall be deemed rented upon a property owner advertising the availability of the home for rent, lease, or hire.

Property Owner means: a person, persons, firm, partnership, corporation, limited liability company, or any other entity holding a property interest to the subject real property. If more than one person or entity owns the subject real property, Property Owner refers to each person or entity holding any portion of the ownership interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.

Section 3-22-2: License Required:

It shall be unlawful for any Property Owner to rent, lease, or hire a Single Family Dwelling Unit in the Village without first having obtained a license as is herein provided. A home shall be deemed rented upon a Property Owner advertising the availability of the home for rent, lease, or hire. A tenant shall not occupy a Single Family Dwelling Rental Unit until a license has been issued. A separate license shall be required for each Single Family Dwelling Unit.

Any license issued hereunder shall not be transferable.

Section 3-22-3: Single Family Rental Unit Business License and Filing Fee:

An application shall be made with the Department of Finance. The application shall include the following information: Rental home address; Property Owner name(s); Property Owner contact information including current address/phone number/mobile phone; Renter's name; Renter's contact information including current phone number/mobile phone; the name of any person or firm engaged on behalf of the Property Owner to manage the subject Single Family Rental Home. The Property Owner shall be required to provide the Village with any tenant changes during the licensing year.

The Finance Department shall not issue a Single Family Rental Unit Business License to any Property Owner having any outstanding financial obligation with the Village until all accounts have been made current, including any late fees or penalties.

Any outstanding public safety, life safety, or nuisance code violations involving the Rental Home may be cause to withhold the issuance of a license.

If the Property Owner or tenant is convicted of violating any felony, or convicted of violating any misdemeanor involving prostitution, or the unlawful sale or unlawful possession of any controlled substance, the license shall be subject to suspension or revocation or non-renewal.

The license fee shall be due and payable annually, by September 15 of each year, commencing September 15, 2008, and shall be for a one-year period. In addition a license shall be required within 30 days from the time that a Single-Family Dwelling Unit becomes a Rental House. If the required fee is not paid in either of the required times as set forth above, a late payment fee of ten-dollars (\$10.00) will be assessed.

Any Property Owner who is required to purchase a license pursuant to this Section and has failed to purchase such license in any one or more preceding years prior to the purchase of the license, shall be required to pay all prior delinquencies, plus penalty if applicable, before being eligible to purchase the current year's license.

Section 3-22-4: Penalty

Any Property Owner violating any provisions of this Chapter shall be fined not less than \$100 nor more than \$500 for each offense. A separate offense shall be deemed commenced on each day a violation continued to exist. Continued violations of Village Property Maintenance Codes, Life Safety Codes, or Public Safety considerations deemed detrimental or hazardous to the well being or safety of the occupant or neighboring units will be grounds to immediately suspend or revoke the license and cause the tenant to be vacated from the property.

Section 3-22-5: Administrative Adjudication

Any Property Owner cited in violation of Chapter 22 may request a hearing by the respond-by date on the Notice of Violation (21 days from the date of issuance). The Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation. The Notice of Violation shall be *prima facie* evidence of a violation, subject to rebuttal. The hearing will take place at the generally scheduled time and date of Administrative Adjudication Hearings.

During the Administrative Adjudication Hearing, the Adjudication Officer will consider evidence and establish either “Liability” or “No Liability” against the Property Owner for violating provisions of this Chapter 22. Upon establishing a finding of Liability, the Adjudication Officer may determine the amount of fine due to the Village in consideration of Section 3-22-4. This fine amount will be issued to the Property Owner in the Final Order of Liability.

Upon request of the Property Owner, the Administrative Adjudication Officer may consider a demand by the Village to order a tenant to vacate the Single Family Rental Home. The Village may make this demand arising from continued violations of Village Maintenance Codes, Life Safety Codes, the failure of the Property Owner to hold a valid Single Family Home Business License, or continued nuisance complaints filed against the tenant of the Rental Home or nuisance complaints against the Rental Home or conditions that are deemed hazardous or detrimental to the well-being of the occupant or neighboring properties. If applicable, the requirement for any tenant to vacate the Rental Home will be included in Final Order of Liability issued by the Administrative Adjudication Officer.

A Final Order of Liability will be issued by the Administrative

Adjudication Officer following either:

- 1) The issuance of an Order of Liability by the Administrative Adjudication Officer and the determination of appropriate penalty up to and including an order for a tenant to vacate the Rental Home, or
- 2) The failure of the Property Owner or its representative to appear at the Administrative Adjudication Hearing following delivery of written notice required herein will result in an immediate finding of Liability and result in the issuance of a Final Order of Liability with a penalty or penalties as determined by the Administrative Adjudication Officer.

The Property Owner may appeal the Final Order of Liability to the Circuit Court of Cook County as provided for by the Administrative Review Act.

Nothing in this section prevents the Village from directly pursuing enforcement litigation against the Property Owner in a court of competent jurisdiction.

Section 2: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

VOTE: AYES: 6 NAYS: 0 ABSENT: 0

PASSED this 26th day of February 2008.

APPROVED this 26th day of February 2008.

APPROVED:

Mayor Craig B. Johnson
Village of Elk Grove Village

ATTEST:

Ann I. Walsh, Village Clerk