

ITEM NO. E

TO THE CITY COUNCIL OF THE PEORIA, ILLINOIS, IN COUNCIL ASSEMBLED YOUR COMMITTEE OF THE WHOLE to whom was referred a POLICY DISCUSSION/COUNCIL WORKSHOP regarding Rental Registration, Rental Inspections, and Landlord/Tenant Relations.

A Policy Discussion/Council Workshop was held on Tuesday, January 31, 1995, at City Hall, Council Chambers, 419 Fulton Street, Peoria, Illinois, at 7:28 P.M., with Mayor Maloof presiding.

ROLL CALL

Roll call showed the following Council Members present: Bohannon, Gibson, Glover, Koehler, Kouri, LeDoux, Ransburg, Sandberg, Spears, Unes, Mayor Maloof - 11; Absent: None.

Others present: City Manager Peter Korn; City Clerk Mary Haynes; Assistant City Manager Michael McKnight; Assistant Director of Planning and Growth Management Patricia Landes; Director of Planning and Growth Management Wayne Anthony; Attorney Cliff Mitchell; Director of Public Works Steve Van Winkle; Corporation Counsel Glenn Collier; Beth Ball of the City Clerk's Office; interested citizens and members of the media.

RENTAL REGISTRATION, RENTAL INSPECTIONS, AND LANDLORD/TENANT RELATIONS

Councilman Gibson stated this draft rental inspection/registration program was presented as a result of recommendations made by a task force on neighborhood activities. She explained that the issues were quality of life, life safety, declining property values, fighting drug issues within the neighborhoods, weeds and litter. She said the management of rental property as a whole was the prime concern. She stated it was a comprehensive program which included registration, inspection, and a committee on landlord/tenant relations. She further requested the Council consider that management of rental property is a business and that it corresponds to commercial property from which its owners derive income.

Councilman Gibson explained some tenants feel intimidated and feel they have no recourse. She stated that, since 1989, neighborhood groups have complained about housing issues and declining property values. She said, while Section 8 housing has been a problem, it is not the only problem and accounts for only 5 to 6 percent of the rental units. She further explained that the Police Department needs support in dealing with quality of life issues. She said this program will redefine the definition of owner of record and will assign responsibility to that owner of record, which will alleviate many of the problems. She further explained the Council must assist landlords who have problem tenants.

Councilman Unes referred to the Position Statement from the Peoria Area Landlords Association, dated January 8, 1995. He stated he could agree with their positions 1, 2, and 3, and felt that number 1 and 2 could be combined:

- "1. We agree to provide a one time registration as a landlord, with a one time fee.
2. We agree to register each rental address controlled by us, with a one time fee paid to register that rental address. Such registration will continue in force until the property is sold or transferred to another owner.
3. We agree to provide the names and addresses of each leaseholder to the City of Peoria on an annual basis without charge."

Councilman Unes requested these three provisions be included into the next draft which was presented back to the Council.

Councilman Glover stated he could agree with exterior inspections and having an agent named for absent landlords or those living far outside the metropolitan area. He stated there are a number of things that are valuable in the proposal as presented. He stated that, in any registration program, the number of allowable occupants should be included because he said that, in the Bradley area, there have been real concerns about overcrowding. He said he agreed with some of the proposals outlined by the Peoria Area Landlords Association; however, he suggested that the landlords provide the name of tenants, substituting the word "tenants" for "leaseholder" in point 3, because some landlords do not provide leases. He said he is concerned that the City is treating tenants of rental property differently than the owners of property. He pointed out that there are substandard owner-occupied units, and they should be addressed as well. He suggested a systematic exterior inspection program. He stated he had some real reservations about going into people's homes.

Councilman Glover continued by stating we have a number of programs which help owners. He pointed out there are rehab programs. He stated he would like to see any program which was developed be sensitive, rather than punitive. He questioned whether or not we are being discriminatory with this proposal. He said he would like to see a stronger exterior inspection program addressed to all units, both rental and owner-occupied. He added that he felt citizens have expressed concern with regulations that government has imposed upon them at every level.

Assistant Director of Planning and Growth Management Patricia Landes stated the city is aware of the substandard housing issue and is increasing their inspection program to address this. She

stated that both a complaint driven and systematic program is used. She said next year they would increase systematic inspections from 800 to 3,800 exterior inspections.

Patricia Landes stated that one reason for the proposal was because tenants do not have control to make improvements on life safety issues. She further stated that the City attorneys determined the proposal before the Council should not involve any constitutional issue that inspections were not considered unreasonable searches. Mrs. Landes explained the program, as outlined in the communicated dated January 31, 1995, Report No. 3, and stated, among other things, that the certificate of inspection runs with the property, not the owner, and that the existing Housing Commission will conduct hearings.

In discussion with Councilman Bohannon, Attorney Cliff Mitchell stated he felt the registration program would assist in locating owners.

Councilman Sandberg questioned the fee structure. Assistant Director of Planning and Management Pat Landes responded that they had done a time study on inspecting various properties such as single family, duplexes, and multiplexes, etc. She stated that was why some of the larger apartments had the smaller fee. Councilman Sandberg pointed out the conversions in older homes would take longer to inspect, in his opinion.

In discussion with the Council, Mrs. Landes pointed out that the 1995 budget contained three additional inspectors, one clerk/typist, and one supervisor, and these would be funded from the projected revenue stemming off the registration program.

Councilman Sandberg pointed out that there are currently ordinances in place which controlled occupancy and other things and, if those were not carefully checked before permits were granted or registrations were accepted, the City took on a liability that prevented the City from successfully enforcing such matters as overcrowding. He further pointed out that, since 1971, Section 5-287(b) of the City Code required inspections of every dwelling every six years.

Councilman Glover pointed out Section 5-271 speaks of the number of square feet required per occupant. Councilman Glover further questioned whether or not there were not already ordinances in place which could be directed to solve some of these problems. He expressed concern about the additional bureaucracy which was being proposed.

Councilman Koehler pointed out that there was consensus about the registration program. He pointed out that a block by block systematic exterior inspection program often cured many of the ills in a declining neighborhood and suggested that might be considered. He stated he agreed with the first three points of the Position

Statement from the Landlord Association. He suggested point 4(d) of the Council communication, Reference #3, which follows, should occur quickly.

Establishment of landlord/tenant relations ad-hoc committee comprised of representatives from the landlord association, neighborhood organizations, property management firms, tenant population, PHA, and City Policy, EEO, planning and legal departments. Committee would be charged with developing and executing a plan to identify specific concerns of landlords, tenants, and neighborhoods, and generate strategies to address those concerns. Key components of the work plan would be development of a landlord training program and landlord/tenant responsibility/rights ordinances and brochures.

Councilman Koehler stated that it is a good idea for inspectors then to enter an establishment if the exterior inspection shows probable cause that there are life safety issues involved inside. He requested that the staff incorporate some of these ideas into the program and bring them back. He agreed that the inspection program should include both rental and owner-occupied systematic programs.

Councilman Glover distributed a proposed amendment, which follows.

- "1a. Each registered rental unit shall include the maximum number of occupants to be allowed in that rental unit.
3. All residential properties would be subject to outside inspection."

Mayor Maloof suggested instituting a program on a one-year trial basis would give landlords 30 days to register every unit for a fee and inform the City how many people occupied each unit. He recommended systematic exterior inspections for everyone. He recommended giving a notice to all concerned about this program and that it be tried for one year and then re-evaluated. He stated this might well give the landlords an opportunity to police their own situations. He requested the staff incorporate some of these ideas into another ordinance and bring it back to Council.

Councilman Koehler suggested a pilot program on inspections.

Councilman Bohannon requested a report back from the staff regarding the impediments preventing the enforcement of the current problems.

Councilman LeDoux expressed his frustrations and stated the City must do something as a city, because we cannot allow any more areas of the city to deteriorate.

Councilman Ransburg stated he agreed with what was said, recommending an exterior inspection unless probable cause showed an inside inspection was required. He recommended, if there was an

ordinance that demanded inspection of every unit every six years, it be taken off the books or the City should comply with it. He stated he felt one of the real problems facing the City was knowing who is the owner of record.

Councilman Sandberg stated he could support the registration and systematic inspection program. He recommended that the City reward good landlords and punish bad landlords. He stated he would like to see the primary focus be exterior inspection, with probable cause to go inside.

Councilman Unes stated that he realized there are life safety issues in the city. He further stated that the City needs to help landlords get unsuitable tenants evicted, tenants who were consistently damaging property.

Councilman Gibson stated we need to redefine "owner" to alleviate some of the current difficulties and establish safe, legal occupancy levels.

Councilman Spears pointed out that there is still a question about whether or not a house built in 1961 would come under this program or whether there was a five-year wait.

Councilman Kouri applauded the Council and the staff for the proposal and stated this was a start. He said that he could agree with a great deal of it. However, there were some parts he disagreed with, he explained. He stated "mom and pop" operations should be exempt.


Mayor Maloof then requested the staff develop what the Council outlined this evening and come back to the Council. He requested that the Council have at least a week or two to study the proposal before the next discussion and he requested that the Landlord Association be provided with copies of the next draft, as well. It was requested that this matter be brought back within two or three weeks.

ADJOURNMENT

Councilman Koehler moved that the Policy Session be adjourned; seconded by Councilman Bohannon.

Approved by viva voce vote.

The Policy Session was adjourned at 9:10 P.M.


Mary L. Haynes, CMC/AAE, City Clerk
City of Peoria, Illinois

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