

(Revised)

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF THE CITY OF PEORIA PERTAINING TO CHRONIC NUISANCE RENTAL PROPERTY

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City Council finds that it is in the best interests of the residents of the city and the general public to prevent the perpetuation of chronic nuisance properties and to promote public peace, health and safety finds chronic nuisance properties, the following section should be enacted; and

WHEREAS, the City Council finds chronic nuisance properties in the City of Peoria strain and tax multiple City Departments and are detrimental to the surrounding neighborhoods; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1: Chapter 20 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words.

Sec. 20-208. Chronic Nuisance Rental Property.

(a) *Chronic Nuisance Landlord.* Chronic nuisance landlord shall be any person who alone or jointly or severally with other(s) holds legal titles as shown by the records of the Peoria County Recorder of Deed Office or is the beneficial owner or owners of a land trust that holds legal titles to two or more properties that within a 18-month period have be deemed chronic or aggravated chronic nuisances or have been used for illegal drug activities under the Code of the City of Peoria, Sections 20-200 through 20-207.

(b) *Notice and appeal.* Upon the determination by the chief of police or the chronic nuisance police officer that the owner or owners of the property is a chronic nuisance landlord, a written notice shall be sent by first class mail, postage prepaid, return receipt requested or personally served to the owner at the last known address or the address as stated in the registration statement required under Chapter 5 of the Code or such other place which is likely to give the person in charge notice of the determination by the chief of police of the chronic nuisance police officer. Said notice shall state the reasons for the determination and the right of the owner to seek an appeal of the police's determination to the administrative hearing officer within 30 days from date of the notice. Within 15 days of a timely request for a hearing on appeal, the City shall set a hearing and notify the owner at the address indicated on the written notice of the appeal, the date, time, and place of said hearing. Any owner who fails to timely request an appeal of the determination from the police department or upon the final decision by the administrative hearing officer affirming the determination by the chief of police or the chronic nuisance officer, said owner shall be deemed as a Chronic Nuisance Landlord.

The hearing officer may consider the following non-exclusive factors in determining whether to affirm the determination by the chief of police or the chronic nuisance officer:

- (1) The history of calls to police on disturbance complaints including loud parties; disorderly conduct; public drunkenness; disorderly house; fights; or other offenses that disturb the peace and comfort of surrounding residents or occupants;
- (2) The property owner's history of City Code violations including pending and past administrative and court cases; fines assessed in cases; judgments entered for all properties owned by the owner either alone, jointly, or severally with other(s) or as a benefit owner of a land trust; and
- (3) Any other factors including the cost to the city to investigate, correct or attempt to correct the conditions of the properties for code violations, chronic nuisance violations, and other conditions rendering the properties detrimental to the quality of life for surrounding inhabitants.

(c) A Chronic Nuisance Landlord shall comply with the following conditions as well as any conditions required in Article XIII of Chapter 5 pertaining to registration of lots of any properties owned by the Chronic Nuisance Landlord:

- (1) Within 45 days from the date the owner has been deemed a Chronic Nuisance Landlord, the Chronic Nuisance Landlord shall have all his/her properties within the city be inspected by a certified private property inspector approved by the City of Peoria at the owner's expense and said inspection reports shall be submitted to the City within 7 days of the inspection.
- (2) Any property owned by a Chronic Nuisance Landlord found to be in violation of the City Code shall be subject to code hearing proceedings.
- (3) A Chronic Nuisance Landlord shall conduct criminal background checks at the owner's expense and shall use the model lease approved by the City for any future tenants to all of their properties.
- (4) A Chronic Nuisance Landlord shall attend Responsible Landlord training provided by the Peoria Police Department Neighborhood Services Unit
- (5) A Chronic Nuisance Landlord may not rent property to a tenant they have previously evicted based upon chronic nuisance violations from one of their other properties
- (6) Within 30 days from the date the owner has been deemed a Chronic Nuisance Landlord, the Chronic Nuisance Landlord must initiate the legal eviction process of tenant(s) who were the subject of the chronic nuisance violation or illegal activities or take other remedial actions approved by the City.

(d) Discrimination forbidden. Nothing in this section shall be construed to encourage or authorize the discrimination by lessors against any persons based upon race, creed, religion, sex, age, national origin, familial status or handicap. Rather, it is the intent of this section to hold persons accountable for acquiescing in or participating in the continued use of his/her property as the location of illegal activity.

(e) Penalty. Any person who violates any provisions of this section shall be subject to a fine of \$750.00 per day for each violation. Each day a violation exists shall be considered a separate violation for each day a violation exists..

(f) In addition to the code hearing proceedings, the corporation counsel of the City of Peoria may commence court action to obtain injunctive relief against a Chronic Nuisance Landlord who fails to comply with the conditions prescribed in above subsection (c).

(1) The court may appoint a receiver to take possession and control of all the rental properties owned by the Chronic Nuisance Landlord at the expense of the owner in the event the owner fails to comply with the conditions of this section.

(2) In the event that the city is authorized to secure the property or otherwise abate a chronic nuisance or an aggravated chronic nuisance, all costs reasonably incurred by the city to effect a closure or abate the nuisance shall be assessed against the owner. The City of Peoria shall submit a statement of costs to the court for its review. If no objection of the statement is made within the period prescribed by the court, or if the court, after objection is made, determines that the statement of costs is accurate, the court shall approve such costs.

(3) Any person who is assessed the cost of abatement and/or civil penalty by the court shall be personally liable for the payment thereof to the city. If payment is not made, the city may pursue all available collection procedures, including but not limited to the filing of a lien or requesting a court to find the owner in contempt of court for nonpayment of such costs.

(4) In addition to any other remedies available, the court may order the Chronic Nuisance Landlord to post a reasonable bond to assure future compliance with the statutes of the State of Illinois and the ordinances of the City of Peoria for a reasonable period of time, not to exceed one year.

Section 2. This Ordinance shall be in effect ten (10) days after its passage and publication in pamphlet form.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of _____, _____.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel