

Granite City rental
property
ordinance #8873

AS OF JUNE 1, 2020

- The City of Granite City is an estimated **27.08%** Rental Property

27.08%

- Because the City is almost 30% rental property, and has over 750 licensed landlords, it is imperative that the city of granite city make efforts to protect it's citizens, property owners, landlords, tenants and tax payers from criminal element and try to increase property values throughout the city.

A red, rectangular stamp with a double-line border. The text inside the stamp is in a bold, sans-serif font, arranged in two lines: "EVICTIION" on the top line and "NOTICE" on the bottom line. The word "EVICTIION" contains a typo with an extra 'I'.

- Previously we did this through the use of eviction. Some landlords appreciated this method, and others did not. However, due to recent changes in Illinois Human Rights Act, we can no longer require landlords to evict tenants in most cases.

So, since we can no longer require landlords to evict, how does the City protect its citizens from potential criminal element ending up in rental property?

Through research, travel, collaboration with landlords, and attorneys, we've formulated a new ordinance and repealed the previous one.

- The primary difference is that the new ordinance no longer focuses on removing the tenant from the property. IT now focuses it's efforts on rewarding the landlord based on performance.
- 4 different license tiers were created based on the performance of the landlord. Each existing and new rental license will start out in Tier 1. The type of license held will be assessed by and assigned by the Building and Zoning Administrator based on certain criteria. The licensing tiers, criteria, and fees are as follows:

| License Tier | Tier 1A | Tier 1B | Tier 2 | Tier 3 | Tier 4 |
|---|--|--------------------------|--------------------------|---|---|
| Licensing Timetable | Every 4 Years (Paid in 4 annual installments) | Every 4 Years | Every 2 Years | Annual | Every 6 Months |
| Re-Licensing Fee | \$25.00 Annually | Paid every 4 Years \$100 | Paid Every 2 Years \$100 | Paid Annually \$100 | Paid Every 6 Months \$100 |
| Mitigation Plan | N/A | N/A | N/A | Required | Required |
| Participation in Crime Free Seminar Program | Required Once | Required Once | Required Once | Required Once | Required Annually |
| Other Requirements | None | None | None | Must Timely Submit and Obtain Approval for Mitigation Plan Annually | Must Timely Submit and Obtain Approval for Mitigation Plan Every 6 Months |

TIER 1

TYPE 1A

\$25.00 LICENSE FEE PAID ANUALLY

LICENSE TERM IS 4 YEARS

OCCUPANCY INSPECTION FEE REQUIRED

TYPE 1B

\$100 LUMP SUM FEE (Covers all 4 years of license term)

LICENSE TERM 4 YEARS

OCCUPANCY INSPECTION FEE WAIVED

(Occupancy Inspection still required)

TIER 1

Upon the implementation of this ordinance, All current license holders will start in Tier 1. All future license applicants will start in Tier 1 as well. When the license is granted, the license holder can choose between Tier 1a or 1b.

NOTE:

You can not go from license Tier 1 to Tier 2 to Tier 3 etc. Once there is a violation of the criteria specified in Tier 4, you will change license tiers from Tier 1 to Tier 4.

Tier 2 and 3 are held as a progression from Tier 4 back to Tier 1, not a progression from Tier 1 to Tier 4. However, you are afforded due process and can request a hearing to contest the license change. The hearing officer has discretion to determine which tier to place your license in, based on the evidence.

Since the license changes from Tier 1 to Tier 4, lets skip ahead and take a look at the criteria for Tier 4. We'll look at Tier 2 and 3 in a moment.

TIER 4 PROVISIONAL LICENSE

TIER 4

\$100 LICENSE FEE PAID EVERY 6 MONTHS
(\$200 ANUALLY)

LICENSE TERM 6 MONTHS

OCCUPANCY INSPECTION FEES REQUIRED

MITIGATION PLAN REQUIRED

CRITERIA FOR TIER 4

CRITERIA FOR TIER 4 PROVISIONAL LICENSE

- 1.) Any Felony Committed on premises by tenant or guest
- 2.) Any 2 misdemeanors on premises by tenant or guest
- 3.) Any 4 Ordinance Violations within a 6 month period
- 3.) Any Violation of the Crime Free Lease Addendum
- 4.) Failure to Comply with Ordinance 5.142.030 (Issuance of License) and 5.142.040 (Renewal of License)
- 5.) Failure to Comply with Ordinance 5.142.060 (License Agreement)
- 6.) Failure to timely pay any fine imposed regarding the residential rental unit per this chapter

CALLS FOR SERVICE THAT WILL NOT BE CONSIDERED FOR CHANGE IN LICENSE TYPE:

- 1.) a violation of the Illinois Domestic Violence Act
- 2.) Juvenile Offenses deemed confidential by The Illinois Juvenile Court Act
- 3.) Drug Overdose seeking Medical Attention
- 4.) Any act where the Landlord or Property Manager seeks remedy through Eviction or is administratively adjudicated.
- 5.) Problems brought to the city's attention by the landlord.
- **NOTE:** Any simultaneous acts, Ordinance Violations, Felony, or Misdemeanor committed during the above listed Non-Considered acts will be considered for license type change. (i.e. A domestic battery where unlawful use of weapons charges were filed as well)

Progression from Tier 4 to Tier 3.

- A residential rental unit that substantially complies with its timely filed and approved mitigation plan, which does not meet criteria for a Tier 4 license listed above, for a period of 6 months, may apply for a reduction from Tier 4 to Tier 3.

TIER 3

TIER 3

\$100 LICENSE FEE PAID ANUALLY

LICENSE TERM 1 YEAR

OCCUPANCY INSPECTION FEE REQUIRED

MITIGATION PLAN REQUIRED

Progression from Tier 3 to Tier 2

A residential unit that does not meet the criteria specified for a Tier 4 license for a period of 1 year from the issuance of the Tier 3 license, may apply for a reduction of license from Tier 3 to Tier 2.

TIER 2

TIER 2

\$100 LICENSE FEE PAID EVERY 2 YEARS (Covers both license years)

LICENSE TERM IS 2 YEARS

OCCUPANCY INSPECTION FEE REQUIRED

CRITERIA FOR TIER 2 LICENSE

License Tier 2 is only applicable for those who currently hold a Tier 3 license and are progressing from Tier 4 back to Tier 1. This requires that all conditions of Tier 4 be met for 1 ½ years. 6 months as specified in Tier 4, To progress from Tier 4 TO 3, and a period of 1 year as specified in Tier 3 to progress to Tier 2. A Tier 2 license will be held for a period of 1 year before being allowed to apply for a Tier 1 license.

SO WHAT'S A MITIGATION PLAN?

- A written and signed plan submitted to the Building and Zoning Administrator before the license period begins, describing steps proposed by the Landlord to reduce the number of police calls to property or code violations to a level that qualifies for a Tier 1, 2, or 3 license. This plan will be reviewed by the Building and Zoning Administrator who may reject the plan or require modifications to effectively address the issues. **NOTE: The Building and Zoning Administrator CANNOT require eviction as part of the plan.**
- The Landlord has the right to appeal The decision of The Building and Zoning Administrator in regards to changes in or rejection of the plan within 10 days of the decision.
- If the mitigation plan is not submitted in a timely manner, a hearing to suspend or revoke the license shall be called by the Mayor.
- The Landlord must comply with the terms of the mitigation plan or it constitutes grounds for license suspension or revocation.

SO WHAT IF I DON'T AGREE THAT THE LICENSE TIER SHOULD BE CHANGED?

Your current license Tier will be reviewed continually based on the criteria specified above, specifically for license Tier 4. In the event the license requires a change in Tier, the License holder will be notified. When the tier you have changes, the previous license is no longer valid, and your license start and expiration date will reflect the time it changes as well.

If the license changes, the license holder can appeal the license change within 10 days of notification of the license change. If the change is appealed, an administrative hearing will be held.

What about the license fee I already paid?

Where the decision is made to downgrade a license from Tier 1 to Tier 4, the license shall be credited with any \$100.00 license fee already paid. The license holder shall not be required to pay another \$100.00 fee.

Rental property ordinance

It is the intent of this ordinance, and a goal for the city of the granite city, that all rental units that comply with applicable laws and City Ordinances shall progress towards a tier 1 license.

So Where can I see the actual ordinance?

- Keep scrolling.
- Above is a brief description of the key points of the ordinance. We recommend that you carefully read the following ordinance as it contains more detailed information that directly effects your rental license.

NOTE: THERE IS A BRIEF TEST AT THE END THAT MUST BE COMPLETED.

Here's the actual Ordinance

ORDINANCE NO. 8873

ORDINANCE TO AMEND SECTION 5.142.050
OF THE GRANITE CITY MUNICIPAL CODE

WHEREAS, the City of Granite City is a home rule unit per Article VU Section 6 of the Illinois State Constitution of 1970; and

WHEREAS, in 2006, the Granite City City Council adopted Ordinance No, 7948, (December 20, 2006), implementing the program commonly known as the Crime Free Housing Program; and

WHEREAS, Ordinance 7948 called for the possible revocation of the business license of a lessor of residential rental property, where the licensed lessor failed to take lawful steps to remove lessees from the rental unit following commission of a felony in the rental unit where allowed by lessee, or following four Ordinance violations in the rental unit, or in rental common areas; and

WHEREAS, on March 16, 2010, the Granite City City Council adopted Ordinance No. 8186; and

WHEREAS, Ordinance No. 8186 amended said Crime Free Housing Program, codified in Granite City Municipal Code Section 5.142.010 et seq.; and

WHEREAS, as amended in Ordinance No. 8186 in 2010, Granite City Municipal Code Section 5.142.050 continued to call for the possible suspension or revocation of the business license of a lessor of a residential rental property, where the lessor failed to take lawful steps to remove lessees from possession following commission of a felony in the rental unit where permitted by lessee, or following notice of four Ordinance violations in the residential unit or in rental common areas, where permitted by lessees; and

WHEREAS, on January 1, 2020, amendments to the Illinois Human Rights Act, 775 ILCS 5/3-102 and 775 ILCS 5/3-102.5, became effective, per public act 101-565; and

WHEREAS, effective January 1, 2020, the Illinois Human Rights Act, 775 ILCS 5/3-101 et seq., now prohibits persons engaged in real estate transactions from discrimination based on arrest records, except where the tenant, a member of the tenant's household, or a guest of the tenant, engages in unlawful activity on the premises; and

WHEREAS, the Granite City City Council found it appropriate to clarify Section 5.142.050 (A) and (B) of the Granite City Municipal Code, and the corresponding residential lease addendum for Crime Free Housing, to eliminate any question of compliance with amended 775 TLCS 5.3-10 1 et seq., of the Illinois Human Rights Act, by adopting Ordinance 8805 on December 17,2019; and

WHEREAS, for months the Office of the Governor of the State of Illinois has prohibited evictions per Executive Order 2020-10,2020-32, and other Executive Orders, and the Granite City City Council finds such prohibitions will likely continue or be renewed, and

WHEREAS, the Chief Judge for the Third Judicial Circuit, Madison County, Illinois, Ordered in Administrative Orders 2020-M-9 and 2020-M-13 repeatedly that evictions and other non-emergency trials and Court proceedings, be continued to dates uncertain, due to the existing pandemic; and

WHEREAS, the Granite City, City Council finds the concerns and prohibitions driven by the COV1D-19 pandemic described above will likely continue in some form for many months, thus supporting amendment to 5.142.050 of the Granite City Municipal Code; and

WHEREAS, on July 7, 2020 the Granite City City Council found that in this pandemic environment and thereafter it is appropriate to seek alternatives to requesting residential landlords to initiate eviction proceedings under 5.142.050 (A) of the Granite City Municipal Code, and therefore 5,142.050 and should be repealed; and

WHEREAS, the Granite City, City Council hereby finds the concerns and prohibitions driven by the COVID-19 pandemic described above will likely continue in some form for many months, thus supporting repeal of an amendment to 5.142.050 of the Granite City Municipal Code.

WHEREAS, accordingly, on July 7, 2020, the Granite City City council adopted Ordinance 8356, repealing Section 5.142.050 of the Granite City Municipal Code, the mandatory eviction language of Ordinance 8186; and

WHEREAS, the Granite City, City Council finds the Crime Free Housing Program should continue to serve the residents of Granite City, but without the mandatory evictions previously codified in 5.142.050, by Ordinance 8186; and

WHEREAS, the Granite City, City Council finds the Crime Free Housing Program should continue to serve the residents of Granite City, but without the mandatory evictions previously codified in 5.142.050, by Ordinance 8186; and

WHEREAS, under the current collective bargaining agreement with the Policemen's Benevolent and Protective Association Labor Committee, through April 30, 2021, the exhibits to that agreement reflect hourly rates of compensation alone for Granite City Police Officers range from \$36.47 to \$44.23, before longevity pay, education incentives, holiday pay, overtime, and benefits; and

WHEREAS, the Granite City, City Council finds that it typically costs the residents and taxpayers of Granite City between \$73.00 and \$80.00 per hour for a trained police officer's time, including benefits, longevity pay, education incentives, holiday pay, worker's compensation risk, pension contributions, and other costs, and third parties pay such hourly rates in agreements with the City for a Granite City Police Officer's time in 2020; and

WHEREAS, the Granite City, City Council finds upon review of Granite City Police Dispatch data from 2010 through 2018, from initial dispatch to release, the dispatched Officer alone spends an average of 4.10 hours responding to a battery complaint, 2.35 hours responding to a criminal damage to property complaint, 5.9 hours on average responding to a robbery complaint, 4.23 hours on average responding to a theft complaint, 2.56 hours on average responding to a burglary complaint, and 1.56 hours on average responding to a complaint of weapon use/shots fired; and

WHEREAS, the Granite City, City Council finds that including the time of the primary Granite City Officer dispatched, the back-up Granite City Officer, Supervisory Officers, Records Clerks, Dispatchers, and Detectives, the average arrest and prosecution for aggravated assault requires 10.5 hours of Police personnel time, an aggravated battery arrest and prosecution involves an average 20.11 hours of Police personnel time, the arrest and prosecution for an armed robbery requires on average 42.03 hours of Police personnel time, the average arrest and prosecution for criminal damage to property requires 20.11 hours of Police personnel time, and the average arrest and prosecution for possession of a controlled substance, 23.39 hours of Granite City Police personnel time; and

WHEREAS, per Ordinance 8837, the City requires residential landlords to obtain an annual business license for each residential rental unit, and the City requires an annual fee for said license of \$25.00 per residential unit, all as codified in Section 5.03.010 of the Granite City Municipal Code; and

WHEREAS, the Granite City City Council finds the cost to the City from increased police calls for services to a single address greatly exceeds the cost of a \$100.00 business license; and

WEREAS, the Granite City, City Council finds annual license fees for Illinois residential landlords range from \$90.00 for one residential rental unit to \$1,300.00 for 101 residential rental units (on the same parcel) in Aurora, Illinois; \$100.00 for the annual license to rent out a single family house and \$20.00 per residential unit in a multi-family dwelling in Des Plaines, Illinois; \$149.00 for an annual landlord business license for one residential dwelling unit and \$1,567.00 for 100 residential units in Elgin, Illinois; and \$100.00 for an annual landlord's license for a single family home and \$340.00 for an apartment building of 1 to 40 dwelling units, in Shaumburg, Illinois; and

WHEREAS, Article VII, Section 6(e) of the Illinois State Constitution of 1970 states a home rule unit shall only have the power when granted by the General Assembly, to license for revenue; and

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution grants to home rule units the power to license, and said power to license as a home rule unit shall be construed liberally under Article VU, Section 6(m) of the Illinois Constitution; and

WHEREAS, the Granite City, City Council finds the license costs declared herein to be reasonable in relation to costs of services provided the property owner and not a tax; and

WHEREAS, the Granite City, City Council finds terms of license renewal based on performance benefits all parties because a performance based system of license renewal focuses municipal inspection and license renewal resources on a small number of noncompliant landlords, instead of renewing licenses for compliant landlords more often than necessary; and

WHEREAS, the Granite City, City Council finds it fair and reasonable to charge all residential rentals units a uniform \$100.00 license fee, and a uniform \$100.00 license renewal fee, changing the duration of the license and thus the frequency of renewal, based on performance.

NOW THEREFORE, be it hereby ordained and decreed by the City Council of the City of Granite City, in the County of Madison and the State of Illinois, as follows.

I Section 5.142.050 of the Granite City Municipal Code was repealed in its entirety, effective July 7, 2020 upon passage of Ordinance 8856. Effective 30 days after passage of this Ordinance, Section 5.142.050 of the Granite City Municipal Code shall be replaced with the following:

II 5.142.050 — PERFORMANCE-BASED LICENSING OF LANDLORDS

A. License Term. Licenses will be issued for a time period according to the license Tier as indicated in Diagram I. All licenses may be reviewed at any time after the beginning of the license term to determine whether the property continues to have the appropriate Tier license.

This is the same chart previously shown.

| License Tier | Tier 1A | Tier 1B | Tier 2 | Tier 3 | Tier 4 |
|---|--|--------------------------|--------------------------|---|---|
| Licensing Timetable | Every 4 Years (Paid in 4 Annual Installments) | Every 4 Years | Every 2 Years | Annual | Every 6 Months |
| Re-Licensing Fee | \$25.00 Annually | Paid every 4 Years \$100 | Paid Every 2 Years \$100 | Paid Annually \$100 | Paid Every 6 Months \$100 |
| Mitigation Plan | Encouraged | Encouraged | Encouraged | Required | Required |
| Participation in Crime Free Seminar Program | Required Once | Required Once | Required Once | Required Once | Required Annually |
| Other Requirements | None | None | None | Must Timely Submit and Obtain Approval for Mitigation Plan Annually | Must Timely Submit and Obtain Approval for Mitigation Plan Every 6 Months |

B. New Licenses. On the effective date of this Ordinance, all licensed residential rental units shall be initially classified as Tier I licenses, subject to change of license Tier as stated herein. Residential rental units that have legally not been required to have a rental license due to new construction or a change from owner-occupied to rental qualify for a Type I License. New licensers and licensees otherwise eligible for a Tier I license may, at the licensee's option, Purchase a Tier IA or Tier IB license. For a Tier IA license, the licensee shall pay \$100.00 total, in four annual installments of \$25.00, plus any inspection fees for cause, or for new occupancy permits per Ordinance. For a Tier IB license, the licensee pays the lump sum of \$100.00 before issuance of the license, and pays no inspection fees for new occupancy permits where the licensee changes tenants in the subject residential rental unit. However, the Tier IB licensee will pay inspection fees where the inspection takes place for other cause.

C. License Renewals. All residential rental units are subject to inspection and review at times of license renewal and may be required by the Building and Zoning Administrator to apply and qualify for a different license Tier based on the level of compliance with City Codes and applicable regulations, per Ordinance. It is the intent of this Ordinance that all license renewal applicants under this section shall pay a uniform renewal fee of \$100.00 per license, but that the duration/term of the license may vary as stated herein. The duration of the license renewed shall be consistent with the diagram in 5.142.050(A) and with 5.142.050(B), above.

D. Reduction of License Tier. At any time during a license period,, if a residential rental unit does not comply with this section, the license may be reviewed by the Building and Zoning Administrator for consideration of action toward a fine, license Tier review and/or change of license Tier to Tier IV, license suspension, or license revocation.

(1) The Building and Zoning Administrator or his or her designee shall give written notice by US Mail or other means of the intention to reduce a Tier I license to Tier IV. The written notice shall advise the licensee the licensee change to Tier IV shall occur unless the licensee timely exercises the right to appeal within ten days, before the Tier I licensee is reduced to Tier IV. In the event of timely appeal, the subject license shall remain Tier I until decision on the appeal as stated in this section.

(2) In the event a Tier I license is reduced to a Tier IV license, the Tier IV license shall expire in six months, consistent with the diagram above. Six months after issuance of a Tier IV license, said Tier IV license must be renewed per timely application for renewal and timely payment of \$100.00, or upgraded to a higher Tier license by the Building and Zoning Administrator consistent with this section. Otherwise, said Tier IV license shall expire and be void.

(3) Where the decision is made to downgrade a Tier I license to Tier IV, the licensee shall be credited with any \$100.00 license fee already paid for the Tier I license, such that the licensee shall not be required to pay another \$100.00 fee for the issuance of the initial Tier IV license for the subject residential rental unit.

(4) A licensee may appeal the Building and Zoning Administrator's decision regarding the change or denial of change of license Tier, by filing a written appeal with the Mayor within 10 days of the date of the decision of the Building and Zoning Administrator. Any written appeal must include the reasons for the appeal, the alleged error of the Building and Zoning Administrator, and a clear statement of the relief sought in the appeal. Failure to timely renew or pay any \$100.00 license fee may result in a hearing per this section to suspend or revoke any issued license for the residential rental unit. However, no hearing to suspend or revoke shall take place while a timely appeal regarding that residential rental unit remains pending before the Mayor.

(5) The tenant shall receive reasonable prior notice before any hearing where suspension or revocation of the license for a residential rental unit is at issue. The tenant shall be allowed to present his or her evidence and to be heard, before any decision regarding suspension or revocation of the license for a residential rental unit.

E. License Process and Renewal.

(1). Renewals. Applications for License renewals must be filed with the City Clerk at least 15 days prior to the license expiration date. After receipt of a complete application and of the license fee required by Ordinance, the Building and Zoning Administrator shall determine whether any inspections are warranted.

(2). Inspection. No application for an initial license shall be approved until the Building and Zoning Administrator has determined that any Code violations have been corrected. In cases where a written extension of time for repairs has been formally granted by the Building and Zoning Administrator the license may issue or renew conditioned on completing repairs within a time specified by the Building and Zoning Administrator.

(3). Incomplete Applications If the license application is incomplete, or the applicant does not meet the requirements of the licensing process within 120 days of the submittal date, the application will be deemed canceled without further notice and the unit deemed not licensed for residential rental.

F. Condition of License. Licensees must be current on the payment of all City sewer charges, City taxes, City assessments, fines, penalties, or other financial claims due to the City on the licensed unit prior to issuance or renewal of a license.

G. License Fees. A license fee of \$100.00, as set forth by City Ordinance, shall be due 15 days prior to the license expiration date; in the cases of new unlicensed residential rental units, the license fee shall be due at the time of application. In addition to any and all other penalties or consequences of violating this Article, a delinquency penalty of 5% of the license fee shall be charged the owner and managers of any residential rental units, jointly and severally. A license is nontransferable. The licensee shall not be entitled to a refund of any license fee. Upon revocation or suspension, or if the license applicant withdraws an application, or in the case of an incomplete application or process, or if an application is canceled, the license fee is nonrefundable.

H. Tier IV Provisional Licenses.

(1). Applicability. Rental properties that meet the provisional licensing criteria as described below are eligible only for Type IV provisional licenses. Rental units holding Type IV Provisional Licensing must meet the requirements set forth in this Ordinance to qualify for License renewal.

(2). Provisional License Criteria. Any of the following shall cause the residential rental unit to be limited to a Type IV provisional license:

(a) The commission on the leased premises, of any act or omission constituting a felony under Federal or Illinois law, or

(b) The commission on the leased premises, of four or more violations of City Ordinances, or two misdemeanors, within any six-month period, or

(c) Other violation of the crime-free housing lease addendum, exhibit A, as now or as hereafter amended, where violation of that lease addendum expressly constitutes cause for the Landlord to choose to seek termination of the lease, or

(d) Failure to comply with any requirement of Section 5.142.030 or Section 5.142.040 of this Granite City Municipal Code, including, but not limited to, failure to pay liquidated judgments and liens owed the City, or.

(e) Failure to comply with Section 5.142.060 of this Granite City Municipal Code,

(f) None of the following acts of a lessee or guest of a lessee shall by themselves constitute for purposes of this section a violation of any lease or lease addendum or any cause to suspend, revoke, or reduce to Type IV, a license of a residential rental unit:

(i) Any act constituting abuse or harassment of a family or household member under the Illinois Domestic Violence Act, 750 JLCs 60 et seq., or

(ii) Any act, the records of which are deemed confidential, under the IL Juvenile Court Act, 705 ILCS 40515-901 et seq.. or

(iii) Any act for which an individual would be deemed protected with limited immunity under 720 JLCs 570/414, or under 65 ILCS 5/1-2.1-1.5.

(iv) Any act of a tenant or guest of a tenant, for which the licensee pursues in the licensee's discretion, good faith proceedings under 735 ILCS 5/9-101 et seq., to regain exclusive possession from the tenant of the subject residential rental unit. Where a licensee by his or her choice files and diligently prosecutes to conclusion eviction of the tenant under 735 ILCS 5/9-101 et seq., the subject license shall remain at Tier I, regardless of the substance of the final ruling of the Court in said proceedings under 735 ILCS 5/9-101 et seq.

(v) However, any simultaneous or concurrent behavior on the licensed premises and constituting an ordinance violation, felony, or misdemeanor, occurring simultaneously or concurrent with the violation of the Illinois Domestic Violence Act, the IL Juvenile Court Act, or the acts described in 720 ILCS 5/9-1.1-1.5, may be considered by the Hearing Officer, Building and Zoning Administrator and/or Mayor, in any decision concerning a fine or the license Type, of the residential rental unit

(g). Failure to timely pay any fine imposed regarding the residential rental unit per this chapter.

(3). Mitigation Plan. The applicant for a Type IV provisional license must submit to the Building and Zoning Administrator for review and approval a written and signed mitigation plan for each license period before the license period begins. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police calls and/or the property Code violations to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as implementing noise regulations, changes in tenant screening procedures, changes in lease terms, security measures, proof of notice to tenants of rules and regulations for tenant conduct, security personnel, and time frames to implement all phases of the mitigation plan. The Mayor and the Building and Zoning Administrator shall not request or require the eviction of a tenant in a mitigation plan. The Building and Zoning Administrator may reject or require modifications to the proposed mitigation plan to ensure it effectively addresses the issues that resulted in the ineligibility of the unit for a different Tier of license.

An applicant may appeal the Building and Zoning Administrator's decision regarding the mitigation plan by filing a written appeal with the Mayor within 10 days of the date of the decision. The written appeal must state the reasons for the appeal, the alleged error of the Building and Zoning Administrator, and the relief being sought from the appeal. Failure to timely file or to have in place an approved Mitigation Plan, may result in a hearing to fine, suspend, or revoke any issued license for the residential rental unit, except that no hearing to suspend or revoke shall take place while a timely appeal regarding that unit remains pending before the Mayor. Any hearing to suspend or revoke shall allow for reasonable prior notice to the tenant, and allow the tenant to be heard, before any decision regarding suspension or revocation.

(4). Appeal Consideration. The Mayor shall act on whether to approve the license renewal, change of license Tier, or mitigation plan, following timely appeal of the Building and Zoning Administrator's decisions. Approval of the residential rental unit license may be conditioned on compliance with the mitigation plan, as previously directed by the Building and Zoning Administrator, or as amended by the Mayor. Where a timely appeal concerns the Building and Zoning Administrator's decision regarding license renewal, change of license Tier, or a mitigation plan, the Mayor may affirm, reverse, or remand with directions and amendments, the Building and Zoning Administrator's decision.

(5). Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved by the Building and Zoning Administrator, or as Ordered by the Mayor following timely appeal. Failure of the licensee to timely, fully, and consistently implement and enforce the mitigation plan shall constitute grounds for a fine, license suspension, or license revocation, under procedures established by Ordinance.

I. Progression from Tyne IV to Type I Licenses

(1). A residential rental unit that substantially complies with its timely filed mitigation plan and which does not meet any of the criteria under Sub Section H(2) above for six months shall be eligible upon timely application, for renewal as a Tier III license. The Building and Zoning Administrator shall respond to the timely application for a Tier III license by causing a Tier III license to issue, or by issuing a Tier IV license for another six months.

(2). A residential rental unit that holds a Tier III license and which does not meet any of the criteria of Sub Section H(2) above for one year upon timely renewal shall be eligible to timely apply for a Tier II license. The Building and Zoning Administrator shall respond to a timely application for a Tier II license by causing a Tier II license to issue, or by issuing a Tier III license for another year.

(3). A residential rental unit holding a Tier II license that does not meet any of the criteria of Sub Section H(2) above shall after one year and upon timely renewal be eligible to apply for a Tier I license. The Building and Zoning Administrator shall respond to a timely application for a Tier I license regarding a Tier II residential rental unit, by causing a Tier I license to issue, or by issuing a Tier II license for another year.

(4). It is the intent of this Ordinance that all residential rental units that comply with applicable law and City Ordinances shall progress toward Tier I licenses. No license shall change from Tier IV to Tier III, or from Tier III to Tier II, unless the licensed landlord timely requests the change in license type, timely pays the \$100.00 license fee, and otherwise fully complies with City Ordinance, Within ten (10) days of notice of a decision regarding any change of license Tier, the licensee may file an appeal per this section.

Nothing in this section shall be interpreted so as to prevent the Building and Zoning Administrator, in his or her discretion, from issuing a Tier I or Tier II license for a residential rental unit then operating under a Tier III or Tier IV license.

(5). Upon request, the owner or manager of a residential rental unit holding a Type IV license may receive from the Building and Zoning Administrator listings of the emergency responder service calls to the residential rental unit, subject to any redactions and restrictions of law.

J. Administrative Hearing Officer and Fines

In addition to all remedies, penalties, fees, and license requirements stated in the chapter, a citation may issue to a licensee under this Granite City Municipal Code Chapter 5.142 at seq.

The administrative hearing officer as described in this Granite City Municipal Code Article 1.01 et seq. shall hear all citations issued under this section.

Upon a finding of a violation under this section, the hearing officer shall be authorized to order as to the lessor, any or all of the following:

- (1). Fines of no less than fifty dollars and no more than seven hundred fifty dollars per violation under this section;
- (2). retraining and successful completion of a seminar or additional seminars, conducted or authorized by the Granite City Police Department, for lessors of residential rental units, within time frames to be determined by the hearing officer,

(3). Referral of matter to Mayor for hearing to determine if lessor license should be suspended or revoked. The tenant of record shall be served with notice and opportunity to appear at any hearing where license revocation or suspension is sought.

III. Should a Court of competent jurisdiction determine any term, language, or provision of this Ordinance to be null and void, the remainder of this Ordinance shall be deemed severable, and remain in full force and effect. Except where stated otherwise above this Ordinance shall take effect upon passage, and maybe published in pamphlet form by the Office of the City Clerk. This Ordinance is not intended to allow retroactive enforcement, based on incidents prior to its passage. Any actions challenging the licensure of residential rental units and any demand for eviction, based on any previous version of 5.142.050 in effect before June 8, 2020, shall be dismissed and not reinstated. This Ordinance supersedes 5.03.010 regarding residential rental licenses. Adopted by the Granite City, City Council this 1st day of September, 2020.

LEASE ADDENDUM FOR CRIME FREE HOUSING

In consideration of the execution of a lease of the dwelling unit identified in the lease, Lessee and Lessor agree as follows:

1. Lessee or any member of lessee's household, shall not engage in criminal activity, including drug-related criminal activity on the premises. "Drug-related criminal activity" means the illegal manufacture, sale distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance (as defined in section 102 of the Controlled Substance Act 21 U.S.C. sect 12).
2. Lessee's guest or other person under the lessee's control shall not engage in criminal activity, including drug-related criminal activity, on the premises. "Drug-related criminal activity" means the illegal manufacture, sale distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance (as defined in section 102 of the Controlled Substance Act 21 U.S.C. sect 12).
3. Lessee or members of lessee's household, shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity on the premises.

4. Lessee's guest or other person under the lessee's control shall not engage in any act intended to facilitate criminal activity, including drug related criminal activity, on the premises, regardless of whether or not the individual engaging in such activity is a household member or guest.
5. Lessee or a member of the lessee's household will not engage in the manufacture, sale, possession or distribution of illegal drugs on the premises.
6. Lessee or any member of the lessee's household shall not engage in acts of violence or threats of violence, including but not limited to, the unlawful discharge of firearms on the premises.
7. Lessee's guest or other person under the lessee's control shall not engage in acts of violence or threats of violence, including but not limited to, the unlawful discharge of firearms on the premises.
8. Lessee, or a member of lessee's household, shall not engage in any criminal activity found to be equivalent to a Forcible Felony, on the premises. "FORCIBLE FELONY" is defined as treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individuals. (720 ILCS 5/2-8).

9. Conviction of lessee, a member of lessee's household, or a guest of lessee, for drug related criminal activity, or a Forcible Felony anywhere in the corporate limits of the City of Granite City, shall constitute material noncompliance with the lease.

10. VIOLATION OF ANY OF THE ABOVE PROVISIONS SHALL BE A MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF TENANCY. A single violation of the provisions of this addendum shall be deemed a serious violation and material noncompliance with the lease. It is understood and agreed that a single violation of any of the provisions listed above shall be good cause for termination of lease, unless otherwise provided by law. Proof of violation as set forth in 1-8 above shall not require criminal conviction, but shall be by a preponderance of the evidence.

11. In case of conflict between the provisions of this addendum and any other provision of the lease, the provisions of this addendum shall govern.

12. This lease addendum is incorporated into the lease between the Owner/Landlord or its agent and lessee.

Here's a quick Test to verify that you have reviewed the material. **This test must be completed to get credit for completing this class.** Thank You.

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