



Legislation Text

File #: ORD17-1367, **Version:** 1

An Ordinance Amending Chapter 156 (Residential Rental Property Licensing and Crime Free Housing) and Chapter 155 (Rental Property Inspections)

..Body

WHEREAS, the Village has adopted certain ordinances now codified as and for Chapter 156 (Residential Rental Property Licensing and Crime Free Housing) of the Village Code of Ordinances; and

WHEREAS, after Village staff review, it has been determined that it is in the best interest of the Village to amend certain sections of the Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS; THAT:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: AMENDMENT TO SECTION 156.03-DEFINITIONS. That all those heretofore adopted ordinances of the Village codified as and for the definitions of the term “RENT” and the term “RESIDENTIAL RENTAL PROPERTY” and the term “OWNER” set forth within Section 156.03 of the Village Code of Ordinances shall hereby be revised to read as hereinafter set forth:

“RENT” To provide or offer for possession or occupancy any residential rental property, as herein defined.

“RESIDENTIAL RENTAL PROPERTY” Any dwelling unit that is located either within a multi-family dwelling unit, a townhome structure, a single family detached residence or a single family attached residence or that is rented, leased or subleased to an occupant is intended for occupancy by one other than the owner, or a dwelling unit occupied by a contract purchaser under an installment land contract. Notwithstanding the absence of a traditional written or oral lease, a dwelling unit or commercial/industrial space or building that is located either within a multi-family dwelling unit, townhome structure, single family detached residence or a single family attached residence shall nonetheless be deemed to be a rental property where, under the totality of the circumstances, it appears that the property is intended to be used and occupied by persons other than the real or substantial owner thereof. Factors relevant to the determination that a property is a rental property within the meaning of the preceding sentence shall include, but not necessarily be limited to the following: a) the identity of the persons or entities shown on the tax bill for the property in question, b) the identity of the person or entity shown on the bills or accounts for utility services to the property in question, c) whether the occupant(s) of the property in question have provided any form of periodic or other consideration to any other party as a condition of the ability of the occupant to occupy the property in question, d) the identity of the person or entity responsible for repairs and maintenance to the property in question, whether such person or entity occupies the property in question, and whether such person or entity receives compensation for performing repairs and maintenance to the property in question, e) whether the property in question is occupied

by persons collectively holding a majority of the beneficial interest in any land trust in which title to the property in question is held together with the power of direction over such land trust, or whether the property is occupied by persons collectively holding a minority of the beneficial interest in any land trust in which title to the property in question is held, without the power of direction over such land trust, f) the relative proportions of beneficial interest in any land trust holding title to the property in question held by occupants of the property in question as compared to non-occupants of the property in question, and g) the absence of any familial relationship between the occupants of the property and the non-occupant holders of beneficial interest in any land trust holding title to the property in question, h) the relative proportion of ownership interest or title to the property held by owner-occupants as compared to the proportion of ownership interest or title to the property held by non-occupant owners of the property in question, regardless of the form or means by which such ownership or title interests are held, i) whether the property in question is occupied by persons collectively holding a majority of the ownership interest in or title to the property, regardless of the form or means by which such ownership interests or title is held, and j) the presence or absence of any familial relationship between the occupant-owners and the non-occupant owners, regardless of the form or means by which such ownership or title interests are held.

“OWNER” The person or persons, jointly or severally, that hold the legal or equitable title or the most substantial or controlling portion thereof to a parcel of property, including a mortgage holder in possession. Without otherwise limiting the generality of the foregoing, an owner shall include all persons or entities that lease or otherwise allow any persons other than such owner to occupy or possess any residential rental property as herein defined.

SECTION 2A: AMENDMENT TO SECTION 155.01-DEFINITIONS. That all those heretofore adopted ordinances of the Village codified as and for the definitions of the term “OWNER”, the term “RENTAL PROPERTY” and the term “RENTAL UNIT” set forth within Section 155.01 of the Village Code of Ordinances shall hereby be revised to read as hereinafter set forth:

“OWNER” The person or persons, jointly or severally, that hold the legal or equitable title or the most substantial or controlling portion thereof to a parcel of property, including a mortgage holder in possession. Without otherwise limiting the generality of the foregoing, an owner shall include all persons or entities that lease or otherwise allow any persons other than such owner to occupy or possess any rental property or rental unit as herein defined.

"RENTAL PROPERTY." Any dwelling unit or commercial/industrial space or building that is located either within a multi-family dwelling unit, townhome structure, single-family detached residence or commercial/industrial structure that is rented, leased or subleased to an occupant is intended for occupancy by one other than the owner, or a dwelling unit occupied by a contract purchaser under an installment land contract. Notwithstanding the absence of a traditional written or oral lease, a dwelling unit or commercial/industrial space or building that is located either within a multi-family dwelling unit, townhome structure, single-family detached residence or commercial/industrial structure shall nonetheless be deemed to be a rental property where, under the totality of the circumstances, it appears that the property is intended to be used and occupied by persons other than the real or substantial owner thereof. Factors relevant to the determination that a property is a rental property within the meaning of the preceding sentence shall include, but not necessarily be limited to the following: a) the identity of the persons or entities shown on the tax bill for the property in question; b) the identity of the person or entity shown on the bills or accounts for utility services to the property in question; c) whether the occupant(s) of the property in question have provided any form of periodic or other consideration to any other party as a condition of the ability of the occupant to occupy the property in question; d) the identity of the person or entity responsible for repairs and maintenance to the property in question, whether such person or entity occupies the property in question, and whether such person

or entity receives compensation for performing repairs and maintenance to the property in question; e) whether the property in question is occupied by persons collectively holding a majority of the beneficial interest in any land trust in which title to the property in question is held together with the power of direction over such land trust, or whether the property is occupied by persons collectively holding a minority of the beneficial interest in any land trust in which title to the property in question is held, without the power of direction over such land trust; f) the relative proportions of beneficial interest in any land trust holding title to the property in question held by occupants of the property in question as compared to non-occupants of the property in question; g) the absence of any familial relationship between the occupants of the property and the non-occupant holders of beneficial interest in any land trust holding title to the property in question; h) the relative proportion of ownership interest or title to the property held by owner-occupants as compared to the proportion of ownership interest or title to the property held by non-occupant owners of the property in question, regardless of the form or means by which such ownership or title interests are held; i) whether the property in question is occupied by persons collectively holding a majority of the ownership interest in or title to the property, regardless of the form or means by which such ownership interests or title is held, and j) the presence or absence of any familial relationship between the occupant-owners and the non-occupant owners, regardless of the form or means by which such ownership or title interests are held.

"RENTAL UNIT." Any dwelling unit or commercial/industrial space or building that is located either within a multi-family dwelling unit, townhome structure, single-family detached residence or commercial/industrial structure that is rented, leased or subleased to an occupant or intended for occupancy by other than the owner. Notwithstanding the absence of a traditional written or oral lease, a dwelling unit or commercial/industrial space or building that is located either within a multi-family dwelling unit, townhome structure, single-family detached residence or commercial/industrial structure shall nonetheless be deemed to be a rental unit where, under the totality of the circumstances, it appears that the unit, space or building in question is intended to be used and occupied by persons other than the real or substantial owner thereof. Factors relevant to the determination that a unit, space or building is a rental unit within the meaning of the preceding sentence shall include, but not necessarily be limited to the following: a) the identity of the persons or entities shown on the tax bill for the unit, space or building in question; b) the identity of the person or entity shown on the bills or accounts for utility services to the unit, space or building in question; c) whether the occupant(s) of the unit, space or building in question have provided any form of periodic or other consideration to any other party as a condition of the ability of the occupant to occupy the unit, space or building in question; d) the identity of the person or entity responsible for repairs and maintenance to the unit, space or building in question, whether such person or entity occupies the unit, space or building in question, and whether such person or entity receives compensation for performing repairs and maintenance to the unit, space or building in question; e) whether the unit, space or building in question is occupied by persons collectively holding a majority of the beneficial interest in any land trust in which title to the unit, space or building in question is held together with the power of direction over such land trust, or whether the unit, space or building is occupied by persons collectively holding a minority of the beneficial interest in any land trust in which title to the unit, space or building in question is held, without the power of direction over such land trust; f) the relative proportions of beneficial interest in any land trust holding title to the unit, space or building in question held by occupants of the unit, space or building in question as compared to non-occupants of the unit, space or building in question; g) the absence of any familial relationship between the occupants of the unit, space or building and the non-occupant holders of beneficial interest in any land trust holding title to the unit, space or building in question; h) the relative proportion of ownership interest or title to the property held by owner-occupants as compared to the proportion of ownership interest or title to the property held by non-occupant owners of the property in question, regardless of the form or means by which such ownership or title interests are held; i) whether the property in question is occupied by persons collectively holding a majority of the ownership interest in or title to the property, regardless of the form or means by which such ownership interests or title is held, and j) the

presence or absence of any familial relationship between the occupant-owners and the non-occupant owners, regardless of the form or means by which such ownership or title interests are held.

SECTION 3: SEVERABILITY. That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4: CONFLICTS. All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.