VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ORDINANCE NO. 25 - 09

AN ORDINANCE ESTABLISHING A RENTAL HOUSING LICENSING AND INSPECTION PROGRAM

Passed by the Board of Trustees, July 24, 2025

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By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

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Village Clerk

VILLAGE OF HARWOOD HEIGHTS
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AN ORDINANCE ESTABLISHING A RENTAL HOUSING LICENSING AND INSPECTION PROGRAM

WHEREAS, the Village of Harwood Heights (the "Village") is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois; and

WHEREAS, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, the Village has the authority to adopt ordinances, to promulgate rules and regulations that pertain to its government and affairs, and to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-31-1; 65 ILCS 5/1-3-1(b)) authorizes the Village to adopt and enforce property maintenance standards and minimum quality standards for buildings and structures; and

WHEREAS, there are many non-owner occupied residential rental properties located throughout the Village; and

WHEREAS, residential rental properties are subject to a greater likelihood of deterioration, abuse, over-crowding, and other conditions that can adversely impact the safety of occupants, neighbors, structures, and property values; and

WHEREAS, single-family homes and condominium units are subject to inspections of

dwelling units upon changes in ownership, whereas dwelling units in multi-family residential properties are not similarly subjected to periodic inspections upon changes in ownership; and

WHEREAS, the Village Board finds that it is in the best interests of the Village and its residents to inspect multi-family residential rental properties to ensure compliance with all laws and regulations of the Village and the State of Illinois, including property maintenance regulations; and

WHEREAS, the Village Board finds that this Ordinance is intended to protect the public health, safety, and welfare by ensuring Code compliance and the integrity of the Village's housing stock; and

WHEREAS, the Village Board has determined that amending the Village Code of Ordinances to create a program of residential rental property inspection as provided herein is in the best interest of the public health, safety, and welfare of the Village, its residents and visitors.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, in the exercise of the Village's home rule powers, that the Village Code be amended as follows, with all existing provisions of the Village Code not set forth below continuing in full effect as currently written:

SECTION 1. RECITALS. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1. The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 2. ESTABLISHMENT OF RESIDENTIAL HOUSING INSPECTION PROGRAM. Title XV ("Building Regulations") of the Harwood Heights Village Code of Ordinances ("Village Code"), shall be, and hereby is amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~), to establish a new Chapter 15.50 ("Residential Rental Housing Inspection Program") of the Village Code as set forth herein.

Chapter 15.50. – Rental Housing Inspection and Certification

15.50.010. Definitions. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Boarding house" means a residential building or portion thereof, other than a motel, apartment hotel or hotel, containing lodging rooms for accommodation of three (3), but not more than five (5), permanent guests who are not members of the keeper's family and where lodging, meals or both are provided.

"Building" means a structure having a roof and which is permanently affixed to the land, and built for the enclosure, shelter or protection of persons, animals, chattels or movable property of any kind. When any portion thereof is completely separated from every other portion by a party wall, then such portion shall be deemed to be a separate building.

"Building inspector" means the village zoning officer or duly authorized representative.

"Cellar" means an area having more than one-half of its floor to clear ceiling height below grade and which is not counted as a story.

"Code" means the Harwood Heights Village Code of Ordinances, as amended, including all adopted technical codes, and all Village rules, regulations, and policies, and all state laws, rules, regulations, and policies.

"Dwelling" means a building, or portion thereof; designed or used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including mobile homes or other trailers, or lodging rooms in hotels, motels or lodging houses. For purposes of this chapter, dwellings are divided into:

i. "Multiple-family residential housing" means a dwelling unit located in a structure containing two (2) or more dwelling units (as contrasted with the definition in the Zoning Code, where it applies to structures containing three (3) or more dwelling units); and

ii. "Single-family residential housing" means a dwelling containing one (1) dwelling unit.

"Dwelling unit" means one (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete single kitchen facilities permanently installed to serve the entire family shall always be included within each dwelling unit.

"Efficiency unit" means a dwelling unit consisting of one (1) principal room, exclusive of bathrooms, kitchens, hallways, closets, or dining alcoves directly off the principal room.

"Family" means one (1) or more persons each related to the other by blood, marriage, legal adoption, or foster children, maintaining a common household in dwelling unit.

Guest, permanent. "Permanent guest" means a person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel or motel accommodation as his or her domicile and place of permanent residence.

"Guest, transient." "Transient guest" means a person who occupies or has the right to occupy a hotel, motel or a short-term residential rental accommodation for a temporary period of time only for a duration of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. The term "transient" shall be synonymous with "short-term" when used in the context of residential use or visitor accommodations.

"Habitable area" means area in a building used for living purposes as defined in the building code in Title 15, but not including area used strictly for storage.

"Hotel" means an establishment containing lodging rooms for occupancy by transient guests, as opposed to a lodging house, boarding house or a rooming house, and which provides customary hotel service such as maid, telephone and secretarial, bellboy and desk services; and the use and upkeep of furnishings and laundry of linens with no lodging rooms having direct pedestrian ingress or egress from outdoors.

Hotel, apartment. "Apartment hotel" means a hotel in which at least eighty (80) percent of the hotel accommodations are occupied by permanent guests.

"Immediate family member" means husband, wife, father, mother, stepfather, stepmother, father-in-law, mother-in-law, son, daughter, stepson, stepdaughter, brother, sister, grandchild, grandparent, domestic partner, or ward.

"Initial Inspection" means the first inspection of a dwelling unit for the purpose of determining compliance with the code.

"Inspector" means the Village employee or independent contractor performing inspections of residential rental property dwelling units to determine compliance with the Code.

"Let for Occupancy" means to permit, provide or offer possession or occupancy of a dwelling unit to a person who is or who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, license, or similar instrument, or pursuant to a recorded or unrecorded agreement or contract of sale for the premises.

"Lodging house" means a building originally designed for and used as a single-family dwelling, all or a portion of which contains lodging rooms which accommodate permanent guests who are not members of the keeper's family. Lodging, meals or both are provided for compensation for five (5), but not more than twenty (20) persons.

"Lodging room" means a room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) lodging room for the purpose of this title.

"Mobile home" means a trailer designed and constructed for dwelling purposes which contains cooking, sanitary and electrical facilities and has a gross floor area of two hundred fifty (250) square feet or more.

"Motel" means an establishment consisting of a group of attached or detached lodging rooms with bathrooms, having direct pedestrian ingress or egress from the outdoors and where more than fifty (50) percent of the lodging rooms are occupied or designed for occupancy by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone, secretarial and desk service, and the use and upkeep of furniture. One (1) dwelling unit may be included for occupancy by the owner or manager of the motel.

"Nursing home" means an institution for the care of children or the aged, chronically ill, infirm, or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three (3) or more persons not members of the family residing on the premises are received, and provided with food, shelter and care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.

"Occupant" means a person occupying a dwelling unit or using the property as a legal address for any purpose.

"Owner" means any person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase or any exclusive possessory interest which is especially enforceable on the land which is described in the application.

"Party wall" means a common wall which extends from its footing below grade to the underside of the roof and divides buildings. It may be a vertical cavity wall or one with aboveground physically unifying horizontal structure elements.

"Person" means a corporation, firm, partnership, association, organization, or any group acting as a unit or legal entity, as well as a natural person.

"Property agent" means a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner on the owner's certificate of compliance.

"Reinspection" means any inspection of a residential rental property that occurs after the initial inspection.

"Residential Rental Property" means any dwelling unit let for occupancy to a person or persons for any amount of rent or compensation and for use as a dwelling unit. Residential rental property shall not include single-family housing, condominium units, short-term residential rentals or hotels, motels, bed and breakfast establishments, lodging houses, rooming houses, boarding houses, hotels, apartment hotels, or motel accommodations, or rental property occupied by an immediate family member of the owner.

"Short-term residential rental" means a residential structure or dwelling unit that is used as a primary residence by owners or renters, or a portion of such unit, that is rented for less than thirty (30) consecutive days to transient guests. "Short-term residential rentals" shall not include hotels, motels, bed and breakfast establishments, lodging houses, rooming

houses, boarding houses, hotels, apartment hotels, or motel accommodations, as defined in this chapter.

"Village" means the Village of Harwood Heights, Illinois.

"Village clerk" means the Village Clerk of Harwood Heights, Illinois.

15.50.020. Prohibited Conduct.

A. It shall be unlawful for any person to let to another for use or occupancy any residential rental property in violation of this Chapter.

B. It is unlawful for any person to operate, maintain, or offer to rent a residential rental property in violation of this Chapter.

C. It is unlawful for any person to occupy a residential rental property in violation of this Chapter.

E. It is unlawful for any person to violate any provision of this chapter.

15.50.030. Fees. The inspection fee for any initial rental certification inspection or re-inspection under this chapter shall be $75.00 per dwelling unit.

15.50.040. Inspections.

A. Dwelling units in residential rental properties must be inspected once every five (5) years for Code compliance. The Village inspector will contact the owner(s) of residential real property to schedule an inspection. The owner(s) shall, in consultation with the occupant(s) of each dwelling unit, schedule with the Village an inspection of the residential rental property within thirty (30) days of being contacted by the Village inspector. For the sake of clarity, the act of scheduling the inspection(s) must be performed within the stated timeframe, though the actual inspection may take place at a later date in accordance with the availability of the inspector.

B. Each inspection made by the inspector shall be for the purpose of determining compliance with the code.

C. The inspector shall determine compliance of each dwelling unit based on whether there is any condition that would constitute a hazard to the health and safety of the occupants and the residential rental property is otherwise fit for occupancy. If a property is noncompliant, the inspector shall issue a notice to comply to the owner or property agent, detailing the condition(s)

violating the Code. Upon re-inspection and evidence of compliance, the inspector shall pass the dwelling unit and it need not be inspected again until the fifth anniversary of the successful reinspection.

D. The inspector shall maintain a Village-wide plan of all residential rental properties occupied or held or offered for occupancy based on reasonably available information.

E. The inspector shall establish and maintain a schedule of inspections necessary to carry out the intent and purpose of this chapter.

F. In the event an owner, property agent, or occupant of a residential rental property refuses to allow the inspector to inspect a residential rental property, schedule a time to inspect the residential rental property, or otherwise fails to comply with the code, the Village reserves all remedies to secure compliance with this chapter, including, without limitation, seeking an administrative search warrant.

G. Violations discovered during inspection shall be identified in a written notice to the owner or the property agent. If the identity of the owner cannot be readily ascertained, the notice shall be mailed to the last taxpayer of record shown on the records of the Cook County Treasurer. Violation notices shall be mailed to the owner or property agent within thirty (30) days of their discovery by the inspector, but no fines shall be issued until failure to schedule a reinspection with the Village or the identified violation(s) not being corrected at the time of reinspection.

H. The inspector shall complete as many re-inspections as are reasonably necessary to ensure that appropriate corrective action has been taken to bring the residential rental property into compliance with the code. In the event that an owner, property agent, or occupant fails to schedule a time for re-inspection or refuses to consent to re-inspection, the Village reserves the right to seek an administrative search warrant in the Circuit Court of Cook County.

J. In the event that an inspection is refused, the Village may, in its discretion, seek an administrative search warrant to conduct an inspection. In the event the Village does not seek an administrative search warrant or the Village's request for an administrative search warrant is denied, the Village shall not use the lack of an inspection as a basis for denying occupancy or issuing fines or penalties.

15.50.050. Appeals.

A. Any person receiving a violation notice pursuant to this chapter, any person denied a certificate of compliance, or any person whose certificate of

compliance has been suspended or revoked shall have the right to appeal to the Building Commissioner. Such an appeal shall be in writing and filed with the inspector or Building Commissioner within fourteen (14) days of the date of the inspector's action. The appeal shall contain a complete statement of the reasons for the appeal, the specific facts supporting the appeal, and all evidence the appellant intends to rely on to support the appeal.

B. The Building Commissioner shall offer an opportunity for a meeting with the owner or owner's agent to consider the appeal within thirty (30) days of receiving the appeal. The Building Commissioner may consider all facts, evidence, and statements or testimony presented by the appellant and the inspector, and all other information the Building Commissioner determines to be relevant to the appeal.

C. The Building Commissioner shall send written notice of its decision to the owner within thirty (30) days of hearing the appeal.

15.50.060. Other Inspections. Nothing in this chapter shall restrict, limit, or alter the Village's authority to inspect any property nor impose penalties for violations of the code.

15.50.070. Penalty.

A. In addition to any other remedy, including, without limitation, remedies at law and in equity, any person violating the terms of this chapter shall be fined not more than $750.00 for each day the violation continues nor less than $50.00 for each day the violation continues. Each day a violation continues shall be a separate offense.

B. Every act or omission by any person that constitutes a violation of this chapter shall be deemed to be an act or omission of the owner and punishable in accordance with the terms of this chapter.

SECTION 3. RESOLUTION OF CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

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

VOTES

AYES: Trustee Brutto, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

ABSENT:

ABSTAIN:

Passed and Approved this 24th day of July, 2025.

Mayor Arlene Jezierny

ATTEST:

Marcia L. Pollowy, Village Clerk

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 25-09 entitled:

AN ORDINANCE ESTABLISHING A RENTAL HOUSING LICENSING AND INSPECTION PROGRAM

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 24th day of July, 2025.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 25th day of July, 2025.

Corporate Seal

Marcia L. Pollowy
Village Clerk