

Topic:	Vacant & Distressed Properties
Resource Type:	Regulations
State:	Illinois
Jurisdiction Type:	Municipal
Municipality:	City of Chicago
Year (adopted, written, etc.):	2008
Community Type - applicable to:	Urban; Suburban
Title:	City of Chicago Vacant Buildings Registration Ordinance
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Abstract

The city of Chicago, Illinois, enacted an ordinance requiring owners of vacant buildings to perform several tasks within 30 days of the building's vacancy. These tasks include: enclosing and securing the building; posting a sign on the building providing the owner's and his or her agent's contact information; acquiring substantial liability insurance for the building and; registering the vacant building with the Department of Buildings. This registration last for six months and costs \$250. If the building remains vacant at the end of the six-month period, the owner is required to re-register the building with a fee increase of \$250, for a total of \$500. The \$250 increase applies to all subsequent registrations until the building meets code standards.

Resource

13-12-125 Vacant buildings - Owner required to act - Enforcement authority.

(a) (1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership of the building, whichever is later, file a registration statement for each such building with the department of buildings on forms provided by that department for such purposes. The registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration for successive six-month periods as long as the building remains vacant and shall pay a registration or renewal fee in the amount prescribed in paragraph (3) of this subsection (a) for each registered building; provided, however, that all eleemosynary, religious, educational, benevolent or charitable associations organized on a not-for-profit basis and all governmental agencies shall be exempt from the payment of the registration fee. The owner shall notify the department of buildings, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the department of buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against

the owner or owners of the building. Registration of a building in accordance with this section shall be deemed to satisfy the registration requirement set forth in Section 13-10-030 and the notification requirement set forth in Section 13-11-030. After filing a registration statement the building owner shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

(2) In addition to other information required by the commissioner of buildings, the registration statement shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. This person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this subsection the owner is consenting to receive any and all notices of code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the owner notifies the department of buildings of a change of authorized agent or until the owner files a new annual registration statement. Any owner who fails to register a vacant building under the provisions of this subsection shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

(3) The registration and renewal fee for each registered building shall be \$250 (the "base registration fee"). Provided, however, that any vacant building subject to the base registration fee that is in violation of any provision of the building code or fire code at the time renewal is required shall be assessed a renewal fee of \$500 for such renewal period (the "doubled period"). If a vacant building in the doubled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be \$750 for such renewal (the "tripled period"). If a vacant building in the tripled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be \$1,000 for such renewal, and shall remain at \$1,000 for each subsequent renewal, if, at the time such renewal is required, the building is in violation (the "quadrupled period"). If the owner of a building that is in the doubled, tripled or quadrupled period can show to the satisfaction of the building commissioner and the fire commissioner, at the time renewal is required, that the building is in full compliance with the building code and fire code, then such renewal shall revert to the base registration fee. For purposes of this subparagraph (3), "in violation" shall mean that a citation has been issued, and the conditions forming the basis for the citation have not been fully remedied.

In the event of a final determination that issuance of the citation was not factually supported, the increased fee for the six-month period(s) at issue shall be refunded to the owner.

(b) The owner of any building that has become vacant, and any person maintaining, operating or collecting rent for any building that has become vacant shall, within 30 days, do the following:

(1) enclose and secure the building as provided in Section 13-12-135 of this Code;

(2) post a sign affixed to the building indicating the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent shall be indicated on the sign as well. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer; and

(3) maintain the building in a secure and closed condition and maintain the sign until the building is again occupied or demolished or until repair or completion of the building has been undertaken.

(c) The owner of any building that has become vacant shall, within 30 days, acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for use as residential units and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired after the building has become vacant shall provide for written notice to the commissioner of buildings within 30 days of any lapse, cancellation or change in coverage. The owner and the owner's authorized agent for service of process shall provide evidence of the insurance, upon request, to the commissioner of buildings or his or her designee.

(d) The building commissioner may issue rules and regulations for the administration of this section. These rules may designate board-up materials and methods which must be used when securing a building so that the boarding is reasonably incapable of being removed by trespassers or others acting without the building owner's consent. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$500.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

(e) For purposes of this section, "vacant" means a building which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operations or residential occupancy has

ceased, or which is substantially devoid of content. In determining whether a building is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of the building or floor to the occupied space, the condition and value of any items in the building and the presence of rental or for sale signs on the property; provided that a residential property shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine months and a person entitled to possession intends to resume residing at the property; and further provided that multi-family residential property containing ten or more dwelling units shall be considered vacant when ninety percent or more of the dwelling units are unoccupied.

(Added Coun. J. 10-2-91, p. 6032; Amend Coun. J. 4-12-00, p. 29471, § 1; Amend Coun. J. 12-4-02, p.99931, § 9.1; Amend Coun. J. 7-30-08, p. 36080, § 1)