

# Request for City Council Action

Date: October 5, 2010

<b>Agenda Section:</b> General Business  <b>No. 6</b>	<b>Originating Department:</b> City Manager
<b>Item:</b> Ordinance Amending Title Four (4) Chapter Four (4) of the Carbondale Revised Code to Exempt Family Owned Homes from Rental Inspection  <b>No. 6.2</b>	

**Background:**

The City of Carbondale adopted a mandatory rental housing inspection program for the purpose of ensuring safe housing for renters, many of whom are students. The program requires the registration and inspection of each property occupied by persons other than the owner of record. The registration and inspection is required even if no actual rent is paid by the occupants.

Since the City of Carbondale established a mandatory rental housing inspection program, many complaints have been voiced about homes occupied by immediate family members of the owner, but not the actual registered owner. These immediate family occupants might be students, married children of the owner, or elderly parents of the owner. The current ordinance requires these properties to be registered with the City for an annual fee of \$35.00 and be subjected to a City inspection. Many owners have complained that the registration, the fee, and the inspection are an unnecessary invasion of family privacy when the home is occupied only by family members.

The City currently has no mandatory registration and inspection program for owner-occupied homes. Such houses can be subject to inspection on the basis of complaints or obvious threats to health and safety. It seems reasonable to apply this same standard to homes occupied solely by the immediate family of the registered owner.

Considerable time and expense is being spent by legal staff on the explanation and enforcement of these requirements on family-occupied homes.

The attached proposed ordinance would provide an exemption from rental registration and inspection for homes occupied solely by members of the owner's immediate family.

**Recommended Action:**

It is recommended that the City Council adopt the attached ordinance, which provides a rental property exemption for structures solely occupied by parents, grandparents, sons, daughters, grandsons, or granddaughters of the owner.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by: \_\_\_\_\_ 2nd by: \_\_\_\_\_ to: \_\_\_\_\_

**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2010- \_\_\_\_**

**AN ORDINANCE AMENDING TITLE FOUR CHAPTER FOUR OF THE CARBONDALE  
REVISED CODE TO EXEMPT CERTAIN FAMILY OWNED HOMES FROM RENTAL  
INSPECTION**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THE 5<sup>TH</sup> DAY OF OCTOBER, 2010**

**Published in pamphlet form by authority of the City Council of the City of Carbondale,  
Jackson County, Illinois, this 6<sup>TH</sup> day of October, 2010**

**CERTIFICATE OF PUBLICATION**

**I, Janet M. Vaught, the duly qualified City Clerk of the City of Carbondale, Illinois,  
and the official custodian of the records of said City, do hereby certify that this ordinance was  
published in pamphlet form by authority of the City Council on the 6<sup>th</sup> day of October, 2010.**

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**Janet M. Vaught, City Clerk**

**ORDINANCE NO. 2010-\_\_\_\_**

**AN ORDINANCE AMENDING TITLE FOUR CHAPTER FOUR OF THE CARBONDALE REVISED CODE TO EXEMPT FAMILY OWNED HOMES FROM RENTAL INSPECTION**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, Title Four of the Carbondale Revised Code relates to housing regulations; and

**WHEREAS**, Chapter Four, Section 16 of Title Four relates to the mandatory rental housing inspection program; and

**WHEREAS**, the City Council of the City of Carbondale finds it in the best interest of the City of Carbondale to amend Title Four Chapter Four, Section 16 to exempt homes occupied by immediate family members from inspection, and from payment of fees established under the mandatory rental inspection program.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE AS FOLLOWS:**

**SECTION 1.** That Title Four Chapter Four, Section 16 A. now be amended to read as follows:

**4-4-16: MANDATORY RENTAL HOUSING INSPECTION PROGRAM:**

- A. Registration Required: Effective January 1, 2009, it shall be unlawful for any person, individual, firm trust, partnership, association, corporation or other legal entity to rent, lease or allow occupancy of any “dwelling unit” as defined by section 4-4-6 of this chapter, for any consideration within the

corporate limits of the city without first registering with the City of Carbondale as provided in this chapter. (Exceptions: Registration requirements under this section shall not apply to the following: hotels; motels; bed and breakfast establishments; nursing homes; retirement homes; rest homes; assisted living facilities; home occupied only by immediate family members including parents, grandparents, sons, daughters, grandsons, or granddaughters of the owner, or dwellings owned or controlled by government agencies and public housing authorities.)

**SECTION 2.** The remaining Sections of Title Four Chapter Four of the Carbondale Revised Code shall remain in full force and effect.

**SECTION 3.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 4.** That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

**SECTION 5.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 7.** That this Ordinance shall be known as Ordinance No. 2010-\_\_\_\_ of the Ordinances of the City of Carbondale, Illinois, and shall be in full force and effect from and after its passage, approval, recording and publication in pamphlet form in accordance with law.

This Ordinance is adopted at a regular meeting of the City Council of the City of Carbondale, Illinois on the 5<sup>th</sup> day of October, 2010.

APPROVED: \_\_\_\_\_  
Brad Cole, Mayor

FOR: \_\_\_\_\_  
AGAINST: \_\_\_\_\_  
PASSED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
RECORDED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Janet M. Vaught, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
P. Michael Kimmel, City Attorney