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REALTOR® ADVOCACY AT THE LOCAL LEVEL: ‘CRIME-FREE’ HOUSING PROPOSALS WARRANT SCRUTINY

In the last ten years, several Illinois municipalities have passed what is commonly known as the “Crime-Free Housing Ordinance.”

The stated purpose of these ordinances is to help prevent criminal activities in rental housing. But some of the methods used by municipalities have broadly included:

- Licensure of the owner and/or the agent’s owner as well as licensure of the individual rental units. Some municipalities have given themselves the discretion to revoke licenses if the property becomes a “criminal nuisance property.”
- Requiring the owner/agent to attend a class on crime prevention in rental housing.
- Inspection of rental properties.

The Illinois Association of REALTORS® (IAR) objects to these types of provisions and has attempted to work with municipalities to ensure the new requirements are not a de facto form of punishment against landlords who could not reasonably be expected to prevent the crime. REALTORS® believe that a well-crafted program can include the following components:

MUNICIPAL IDENTIFICATION OF ‘CRIMINAL NUISANCE PROPERTIES’

Rental properties where there are recurring criminal activities can and should be identified. Some of these properties may be in need of special police attention or assistance. After identification, police can work with the owner to take steps to help reduce future criminal activities.

Too often these “crime-free” ordinances treat ALL property owners as if crimes have already taken place on the properties. ALL owners must attend the municipalities’ “crime-free” class. ALL owners must be licensed. ALL owners must evict the tenant where a crime has taken place even though it’s unclear if that tenant is the perpetrator. This is not an effective targeting of resources nor does it respect property rights of owners. Police resources and other municipal resources should focus on properties with frequent crime.

MUNICIPAL REPORTING TO PROPERTY OWNERS ON POLICE REPORTS

When a crime occurs on a property, the police should inform the property owner. While this may seem like a common-sense policy, there are many municipalities in Illinois

where this does not occur. If the owner knows of an incident, the owner can be more vigilant and can take steps to make the property safer and less likely for crime to occur (enhanced security and lighting for example). An automated reporting system can work in tandem with a building registration requirement. With registration, the municipality can collect essential information from the owner (or agent) to establish a point-of-contact for each residential rental building.

PROTECTION FOR INNOCENT LANDLORDS

REALTORS® also recommend that ordinances include an “affirmative defense” for a property owner who cooperates with the police and could not prevent the criminal behavior of those residing in or visiting the property. In addition, a “crime-free” program should never penalize a tenant or an owner for making calls for police service.

Bottom Line: REALTORS® do not oppose measures to help prevent crime. But we do favor sensible approaches— at the state and local level— that are targeted, effective and respect real property rights. ☺



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Requirements for Septic Systems Owners

This brochure explains recent changes to the Private Sewage Disposal Code and how these changes affect property owners served by a septic system. You’ll also find a summary of changes regarding maintenance and record-keeping requirements for septic system owners.

Commercial Real Estate Broker Liens

This brochure provides basic information on this state law which gives real estate brokers the right to a lien on commercial real estate to secure fees and commissions due to them.

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