

**ORDINANCE MC- 1026**

**AN ORDINANCE AMENDING CHAPTER 22 OF THE HOMEWOOD  
MUNICIPAL CODE BY CREATING ARTICLE XII ENTITLED,  
“REGISTRATION OF DEFAULTED MORTGAGE AND VACANT  
PROPERTY”**

WHEREAS, the President and Board of Trustees of the Village of Homewood (the “Board”) seek to protect the public health, safety and welfare of the citizens of the Village of Homewood (the “Village”) and maintain a high quality of life through the maintenance of structures and properties in the Village; and

WHEREAS, properties that are neglected and have unsecured, accessible structures negatively affect community value, create conditions that invite criminal activity and foster an unsafe and unhealthy environment for children; and

WHEREAS, the continued mortgage foreclosures rates have serious negative implications for all communities trying to manage the consequences of properties with defaulted mortgages, are in the foreclosure process, have been foreclosed upon and/or are mortgagee owned; and

WHEREAS, properties with defaulted mortgages that are neglected and have unsecured, accessible structures negatively affect community value, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment for children; and

WHEREAS, foreclosing lenders or owners of vacant and neglected properties are often located out of state, with no local contact for such a property, making it difficult to notify the proper party of code violations, and to maintain the requisite level of maintenance and security on such structures or lots; and

WHEREAS, the Board recognizes there are numerous properties in the Village with defaulted mortgages subject to foreclosure or foreclosed upon, (hereinafter referred to as “Registrable Properties”) leading declining property values, creating nuisances and leading to a general decrease in neighborhood and community aesthetic; and

WHEREAS, the Board already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property; and

WHEREAS, the Board recognizes that in the interest of public health, safety and welfare, a structured regimen is needed to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Board has a vested interest in protecting neighborhoods against decay caused by registrable property and concludes that it is in the best interests of the health, safety, and welfare of its citizens to impose registration requirements on registrable property in the Village to prevent these properties from becoming abandoned, neglected or unsupervised; and

WHEREAS, the Board desires to amend the municipal code to establish a property registration process that will identify all parties responsible for addressing safety and aesthetic concerns to minimize the negative impact often caused by vacancy, absentee ownership and the foreclosure process.

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) grants municipalities the authority to define, prevent, and abate nuisances; and

WHEREAS, the Village finds that properties that are abandoned, neglected or left unsupervised (“noncomplying structures”) are nuisances affecting the well-being and safety of Village residents, and therefore make these findings and declarations:

1. Noncomplying structures must promptly be made safe and secure to protect the public and are declared to be a nuisance subject to the abatement process in this article.
2. Noncomplying structures are dangerous and unsafe because of increased vulnerability to fire, flooding, collapse or other hazards.
3. Noncomplying structures are a blight on their neighborhoods, causing neighborhood deterioration and adversely impacting surrounding properties.
4. Structures that were previously used or occupied and have since become vacant have a significant and detrimental impact on the local real estate market.
5. Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.
6. Structures that are vacant and unsecured pose serious threats to public health and safety and therefore are public nuisances.

7. Immediate abatement of these hazards or rehabilitation of these structures is necessary to prevent unsightly blight and neighborhood deterioration with the consequent adverse impact on the value of adjacent properties. Immediate abatement also is necessary to secure public safety and to ensure and enhance the vitality and livability of our neighborhoods.

8. Communication between owners of noncomplying structures and the Village is essential for effective allocation of public resources and protecting public health, welfare and safety concerning such structures.

WHEREAS, the Board previously approved this ordinance on October 7, 2018, but the applicable code provisions were inadvertently omitted from a subsequent revision to Chapter 22.

This Article establishes necessary measures to define, abate and prevent public nuisances, blight, negative housing market impact and other harmful effects associated with noncomplying and vacant structures, as authorized by Section 11-60-2 of the Illinois Municipal Code.

**NOW THEREFORE, BE IT ORDAINED** by the Village President and Board of Trustees of the Village of Homewood:

**SECTION ONE – INCORPORATION OF RECITALS.**

The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance upon the adoption.

**SECTION TWO – AMENDMENTS TO THE MUNICIPAL CODE:**

Chapter 22 of the Homewood Municipal Code is amended by addition of Article XII entitled “Registration of Defaulted Mortgage and Vacant Property” to read:

**ARTICLE XII. REGISTRATION OF DEFAULTED MORTGAGE  
AND VACANT PROPERTY**

**Sec. 22-300. Purpose and Intent.**

It is the purpose and intent of the Board to establish a process to address the deterioration, crime and decline in value of Village neighborhoods caused by vacant property and defaulted mortgages within the Village, and to identify, regulate, limit and reduce the number of these properties within the Village. It is the Board’s further intent to establish a registration requirement to protect neighborhoods from the

negative impact and conditions occurring because of vacancy, absentee ownership, lack of adequate maintenance and security and to expeditiously identify all responsible parties for each property. The Village specifically finds this ordinance is necessary to deal with the detrimental effects caused by vacant property and to prevent vacant property from becoming a nuisance within the Village.

**Sec. 22-301. Definitions.**

These words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context indicates a different meaning.

*Accessible Property Structure* shall mean a property accessible through a compromised or breached gate, fence, wall, etc., or a structure that is unsecured and or breached in such a way as to allow access to the interior space by unauthorized persons.

*Applicable Codes* shall mean the Homewood Municipal Code, Homewood Zoning Ordinance, Cook County ordinances applicable to property within the Village, and State and Federal law.

*Blighted Property* shall mean:

Properties with broken or severely damaged windows, doors, walls, or roofs that create hazardous conditions or encourage trespassing;  
or

Properties cited for public nuisance pursuant to Applicable Codes;  
or

Properties that endanger public health, safety or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance required by Applicable Codes.

*Default* shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

*Enforcement Officer* shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, plumbing inspector or other person authorized by the Village to enforce Applicable Codes.

*Evidence of Vacancy* shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or boards over doors, windows or other openings in violation of Applicable Codes.

*Foreclosure or Foreclosure Action* shall mean the legal process by which a Mortgagee or other lien holder terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to public notice of default, a deed in lieu of foreclosure, sale to the mortgagee or lienholder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

*Hearing Officer* shall have the same meaning as in Chapter 3 (Administrative Adjudication of Municipal and Building Code Violations) of this Code.

*Mortgagee* shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

*Owner* shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Article; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

***Property Manager*** shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Article.

***Real Property*** shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, in the Village limits.

***Registrable Property*** shall mean:

- (a) A single family residence, residential condominium, residential townhouse, or other building containing one or more dwelling units, whether vacant or occupied, that is encumbered by a mortgage in Default, is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgment has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure, and any property transferred under a deed in lieu of foreclosure/ sale. The designation of a property as “registrable” shall remain in place until the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the Foreclosure Action has been dismissed and any Default on the mortgage has been cured; or
- (b) A single family residence, residential condominium, residential townhouse, or other building containing one or more dwelling units where one or more of the dwelling units has been vacant for over sixty (60) days, or
- (c) A single family residence, residential condominium, residential townhouse, or other building containing one or more dwelling units where natural gas or electric service has been terminated for more than 48 hours.

***Registry*** shall mean a web-based electronic database of searchable Real Property records, used by the Village to allow Mortgagees and Owners to register properties and pay fees as required in this Article.

***Semi-Annual Registration*** shall mean six (6) months from the date of the first action that requires registration, as determined by the Village, or its designee, and every subsequent six (6) months. The date of the

initial registration may differ from the date of the first action that required registration.

*Utilities and Services* shall mean any utility and/or service essential for a building to be habitable and/or perform a service to comply with Applicable Codes. This includes, but is not limited to, electric, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

*Vacant* shall mean any parcel of land containing a building or structure not lawfully occupied.

*Village* shall mean the Village of Homewood.

**Sec. 22-302. Applicability and Jurisdiction.**

This Article applies to Defaulted and Vacant property within the Village.

**Sec. 22-303. Establishment of a Registry.**

Pursuant to this Article, the Village or its designee, shall establish a registry cataloging each Registrable Property within the Village, containing the information required by this Article.

**Sec. 22-304. Inspection and Registration of Real Property Subject to a Defaulted Mortgage**

(a) Any Mortgagee who holds a mortgage on Real Property within the Village shall inspect the property upon it being in Default or Defaulted by the mortgagor or prior to issuing a notice of Default.

(b) Property inspected pursuant to subsection (a) above that remains in Default or Defaulted, shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.

(c) Within ten (10) days of the date any Mortgagee declares its mortgage to be in Default or Defaulted, the Mortgagee shall register the Real Property with the Village Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain and secure the Real Property subject to the mortgage in Default or Defaulted. A separate registration is required for each Defaulted Property.

(d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.

(e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of \$300 for each Defaulted Property. Subsequent Semi-Annual Registrations of Defaulted properties and fees in the amount of \$300 are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, and (3) for other expenses incurred by the Village directly related to fulfilling the purpose and intent of this ordinance. Said fees shall be deposited to a special account in the Village's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Article.

(f) Each individual property that qualifies as Registrable Property on the effective date of this ordinance shall have thirty (30) days to register and pay the \$300 Semi-Annual Registration fee.

(g) If the Defaulted mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Article. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted Property.

(h) If the Mortgagee sells or transfers the Defaulted Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Article. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was when registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted Property.

(i) If the Defaulted Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day-period (30), or portion thereof, the property is not registered and shall be due with the registration. This section shall apply to the initial registration and registrations required by subsequent transferees, Owners and Mortgagees of the Defaulted Property.

(j) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee and any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.

(k) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Defaulted.

(l) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Article and shall be subject to enforcement by any of the enforcement means available to the Village.

(m) If any property violates this Article the Village may take the action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

(n) Properties registered under this section are not required to be registered pursuant to Section 22-305 below.

**Sec. 22-305. Inspection and Registration of Real Property Not Subject to a Mortgage in Default.**

(a) Any Owner of Vacant Registrable Property not registered under Section 22-304 shall within ten (10) days after the property becomes Vacant, or within ten (10) days after assuming ownership of the property, whichever is later, register the Real Property with the Village Registry.

(b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the

name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

(c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of \$300 for each Defaulted Property. Subsequent Semi-Annual Registrations of Defaulted properties and fees in the amount of \$300 are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, and (3) for other expenses incurred by the Village directly related to fulfilling the purpose and intent of this ordinance. Said fees shall be deposited to a special account in the Village's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Article.

(d) Each individual property that qualifies as Registrable Property on the effective date of this ordinance shall have thirty (30) days to register and pay the \$300 Semi-Annual Registration fee.

(e) If the property is sold or transferred, the new Owner is subject to all this Article. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.

(f) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall equal ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.

(g) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.

(h) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance violates this Article and shall be subject to enforcement by the enforcement means available to the Village.

(i) If any property violates this Article, the Village may take the action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

**Sec. 22-306. Maintenance Requirements.**

(a) Registrable Property shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material inoperable vehicles, or any other items causing the property to appear abandoned.

(b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the Municipal Code property maintenance requirements.

(d) Registrable Property yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations in the Applicable Codes.

(g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Article may result in issuance of a citation or notice of violation in accordance with the Applicable Codes.

(h) In addition to the above, the property must be maintained in accordance with Applicable Codes.

**Sec. 22-307. Security Requirements.**

(a) Registrable Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

(c) If Registrable Property has become vacant or blighted, the Mortgagee and/or Owner shall designate a Property Manager to bring the property into compliance with Applicable Codes and regularly inspect the property to verify compliance with the requirements of this Article.

(d) In addition to the above, the property must be secured in accordance with the code(s) of the Village.

(e) Failure of the Mortgagee and/or property Owner to properly inspect and secure a property subject to this Article is a violation and shall be subject to any enforcement means available to the Village. The Village may act to ensure compliance with this section, and recover costs and expenses in support thereof.

**Sec. 22-308. Provisions Supplemental.**

The provisions of this Article are cumulative with and in addition to other remedies. Nothing in this Article shall prohibit the Village from collecting fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

**Sec. 22-309. Public Nuisance.**

All Registrable Property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is declared to be necessary to protect the health, welfare, and safety of the Village residents.

**Sec. 22-310. Additional Authority.**

(a) If the Enforcement Officer has reason to believe that a property subject to this Article is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the

property at the expense of the Mortgagee or Owner, and may bring the violations before the applicable Hearing Officer as soon as possible to address the conditions of the property. Nothing herein shall limit the Village from abating any nuisance or unsafe condition by any other legal means available to it.

(b) The Hearing Officer shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property poses a serious threat to public health, safety, and welfare, the Hearing Officer may direct the Village to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.

(d) If the Mortgagee or Owner does not reimburse the Village for the cost of temporarily securing the property, or of any abatement directed by the Hearing Officer within thirty (30) days of the Village sending the Mortgagee or Owner the invoice, the Village may lien the property with such cost, along with an administrative fee to recover the administrative personnel services. In addition to filing a lien the Village may pursue financial penalties against the Mortgagee or Owner.

**Sec. 22-311. Opposing, Obstructing Enforcement Officer; Penalty.**

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the Applicable Codes or a court of competent jurisdiction.

**Sec. 22-312. Enforcement and Penalties.**

(a) Enforcement -The requirements of this ordinance may be enforced:

1. By an action for injunctive relief, civil penalties, or both, through a court of competent jurisdiction; or
2. By condemnation and demolition or by the nuisance abatement process; or
3. By revocation or temporary suspension of necessary permits and/or certificates of occupancy and/or licenses; or
4. By any other process permitted at law or equity.

Use of one enforcement process or theory does not preclude the Village from seeking the same, different or additional relief through other enforcement methods.

(b) Separate offenses.

1. A violation of this ordinance shall constitute a separate offense for each day it shall continue or recur. Each condition existing in violation of this ordinance is a separate violation.
2. Each day a property remains unregistered when required to be registered by this ordinance is a separate offense for each day it shall continue to recur.
3. Each day a property is not inspected as required by this ordinance is a separate offense.
4. Each day a property is not secured as required by this ordinance is a separate offense.
5. Each day a condition violating the Village's Municipal Code exists on a Registrable Property is a separate offense.

(c) Persons responsible for violations.

The Owner, Mortgagee, Trustee or Servicer as those terms are defined in this ordinance, and their duly authorized officers, employees or agents employed in connection therewith who have assisted in the commission of the violation or failed to perform as required by the ordinance shall be guilty of the violation and may be cited accordingly.

**Section 22-313 - 320. Reserved.**

**SECTION THREE - SEVERABILITY.**

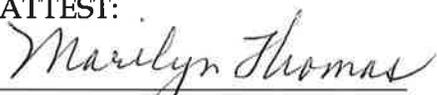
If any provision of this ordinance or application thereof to any person or circumstance shall be invalid, such invalidity shall not affect other provisions or application of this ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

**SECTION FIVE - EFFECTIVE DATE.**

This ordinance shall be in full force and effect from and after its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 12th day of November, 2019.

  
Village President

ATTEST:  
  
Village Clerk

Ayes: 6 Nays: 0 Abstain: — Absent: —