

Vacant Building Ordinances:

City of Chicago and Cook County

Recent Changes to City of Chicago Vacant Buildings Ordinance

Legislation passed 11/2/2011 Took effect 11/12/2011 Number: SO2011-8066

Amendment of Chapter 13-12 of Municipal Code regarding vacant buildings Sponsors: Ald. Pat Dowell (3), Ald. Bob Fioretti (2), Ald. Ray Suarez (31)

- Requires mortgagees of vacant buildings to register them with the City within the later of 30 days of becoming vacant or 60 days after a default. Registration costs \$500 and must be renewed every six months, though there is no fee for renewal.
- As part of the registration process, mortgagees must appoint an agent located in Cook County to handle communications concerning the ordinance.
- Mortgagees must maintain and secure vacant buildings to the standards set by the City. If not, the mortgagee will be fined between \$500 and \$1,000 for each day the building is in violation of the ordinance.
- Mortgagees must post and maintain a legible sign with the agent's contact information and vacant building registry number on the property.
- Mortgagees cannot be fined for noncompliance with the ordinance if the building is lawfully or unlawfully
 occupied, the owner or another mortgagee has registered the building as vacant, the mortgagee has been
 barred from taking action due to a bankruptcy proceeding, the mortgagee has cured violations within 30 days,
 the mortgage was not in default at the time of violation, the mortgagee is not the senior lienholder, a receiver
 has been appointed for the property, or the owner/mortgagor is attempting to save the home from foreclosure.
- A building is considered vacant if one or more of the following conditions are true: all lawful business or
 construction operations have ceased for 6 months; the building has been declared unfit for occupancy; no
 construction or repairs have been started for 6 months; doors or windows have been broken or opened; law
 enforcement officials have received at least one report of trespassers or vandalism within the last 6 months;
 or, utilities have been terminated.
 - A building will not be considered vacant if it is an unoccupied building undergoing construction, is seasonally occupied, is being actively marketed for sale or rent, is in an ownership dispute, or is otherwise secure and in substantial compliance with all ordinances.
- Mortgagees' actions required by this ordinance will not subject the mortgagee to civil or criminal liability
 unless the mortgagee's behavior constitutes gross negligence or willful, wanton, or intentional misconduct.
- Mortgagees must verify that the property remains vacant on a monthly basis.
- Mortgagees' responsibilities regarding a vacant building will terminate with the recorded assignment, satisfaction, or release of the mortgage.
- The ordinance will no longer apply to a building when the title is conveyed to a new owner, the building ceases to be vacant, or the building is demolished in compliance with the Municipal Code.

Cook County Vacant Buildings Ordinance

Legislation passed 12/14/2011 Took effect 2/14/2012 Number: 12-O-03

Sponsor: Commissioner Bridget Gainer (10)

- Applies to unincorporated Cook County and municipalities in Cook County that have opted to participate.
- A building is considered vacant if one or more of the following conditions are true: all lawful business or
 construction operations have ceased for 6 months; the building has been declared unfit for occupancy; no
 construction or repairs have been started for 6 months; doors or windows have been broken or opened; law
 enforcement officials have received at least one report of trespassers or vandalism within the last 6 months;
 or, utilities have been terminated.
 - A building will not be considered vacant if it is an unoccupied building undergoing construction, is seasonally occupied, is being actively marketed for sale or rent, is in an ownership dispute, or is otherwise secure and in substantial compliance with all ordinances.
- Creates obligation of owners of vacant buildings to register them with the County Department of Building and Zoning within the later of 30 days after the building has become vacant or 30 days after taking ownership of the building. Owners must pay a \$250 registration fee, which is doubled if registration is the result of an enforcement action. Nonprofit property owners are exempt from the registration fee. Owners must renew the registration yearly at no cost.
- Creates obligation of mortgagees of vacant buildings to register them with the County Department of
 Building and Zoning within the later of 30 days after the building has become vacant or 60 days after the loan
 has defaulted. Mortgagees must pay a \$250 registration fee, which is doubled if registration is the result of an
 enforcement action. Mortgagees must renew the registration yearly at no cost.
- Cook County will create a website for the public to access the vacant building registry.
- As part of the registration process, owners and mortgagees must appoint an agent located in Cook County to handle communications concerning the ordinance.
- Owners and mortgagees must post and maintain a legible sign with the agent's contact information and vacant building registry number on the property.
- Owners and mortgagees must maintain and secure vacant buildings to the standards set by the County. If not, the owner will be fined between \$500 and \$1,000 for each day the building is in violation of the ordinance.
- Owners must provide proof of liability insurance to the County.
- The ordinance may be enforced against a property in noncompliance either through an administrative hearing in the Department of Administrative Hearings or through an abatement proceeding in the Circuit Court.
- Mortgagees cannot be fined for noncompliance with the ordinance if the building is lawfully or unlawfully occupied, the owner or another mortgagee has registered the building as vacant, the mortgagee has been barred from taking action due to a bankruptcy proceeding, the mortgagee has cured violations within 30 days, the mortgage was not in default at the time of violation, the mortgagee is not the senior lienholder, a receiver has been appointed for the property, or the owner/mortgagor is attempting to save the home from foreclosure.
- Mortgagees' actions required by this ordinance will not subject the mortgagee to civil or criminal liability unless the mortgagee's behavior constitutes gross negligence or willful, wanton, or intentional misconduct.
- Mortgagees must verify that the property remains vacant on a monthly basis.

- Mortgagees' responsibilities regarding a vacant building will terminate with the recorded satisfaction or release of the mortgage.
- The ordinance will no longer apply to a building when the title is conveyed to a new owner, the building ceases to be vacant, or the building is demolished with all permits from the Cook County Building and Zoning Department and relevant municipal permits.
- If a building is determined to be a public nuisance, owners may be required through a court abatement proceeding to correct violations, demolish the building, or forfeit the property's title to the County or senior lienholder. The County may levy liens on the property to cover the costs of maintenance, demolition, and securing the building.