

# VILLAGE OF HOMEWOOD



**BOARD AGENDA MEMORANDUM**

**DATE OF MEETING: December 12, 2023**

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**To:** Village President and Board of Trustees

**Through:** Napoleon Haney, Village Manager

**From:** Robert Grabowski, Fire Chief

**Topic:** Adopting Home Rule Standards for Administrative Adjudication

## **PURPOSE**

Approve an ordinance allowing the Village of Homewood to adopt home rule administrative adjudication standards that enhances the Village process of imposing liens against property, effective January 1, 2024.

## **PROCESS**

The State Legislature recently amended the Illinois Municipal Code to allow non-home rule communities like Homewood to adopt the same rules for administrative adjudication previously reserved for home rule municipalities. The attached ordinance deletes the non-home rule procedures in the Homewood Municipal Code and replaces them with the home rule procedures. With this amendment, the Village will gain more control over the administrative adjudication process that should result in more effective building and property maintenance code enforcement.

The following information explains the significant differences between the Village's current non-home rule procedures and the proposed home rule procedures:

### *More Efficient Lien Process*

Currently, in order to record a lien against property for unpaid building code fines imposed by the Hearing Officer, the Village must file a lawsuit at Markham Courthouse and ask a judge to certify the fines and costs, then, sign the memorandum of judgment to be recorded. As a result, many code enforcement fines go uncollected.

Per the new code amendment, in order to record a lien against property for unpaid building code fines imposed by the Hearing Officer, the Hearing Officer can certify the fines and costs and sign the memorandum of judgment to be recorded.

As a result, this process should yield better compliance with building and property maintenance codes, and realize a higher "fine recovery rate" for those properties that remain non-compliant.

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## Compliance not a Defense for Removal of Fine

Currently, if a property owner is cited for a building or property maintenance violation but corrects or removes the violation before the hearing, the corrective action becomes a defense to the citation making it more likely for the Hearing Officer to dismiss the case.

Per the new code amendment, if a property owner is cited for a building or property maintenance violation but corrects or removes the violation prior to the hearing, the Hearing Officer can consider the correction when setting the fine amount - if the property owner is found liable. The fact that the code violation was corrected after the citation was issued is no longer an absolute defense.

As a result, the Hearing Officer has more flexibility to address individual situations. The Hearing Officer may waive a fine, or find a defendant not liable, but could also impose a fine for late compliance when warranted (*for example: landlords with multiple rental properties who only make repairs after being cited*).

## Allowable "Cost of Adjudication" Fee

Currently, there are no provisions to reimburse administrative adjudication program costs incurred by the Village.

Per the new code amendment, the new ordinance imposes an additional \$30 penalty on defendants who are found liable, to defray the Village's costs to coordinate and facilitate the adjudication process.

As a result, this \$30 penalty provides a funding source to cover some of the adjudication program costs.

## **FINANCIAL IMPACT**

- **Funding Source:** N/A
- **Budgeted Amount:** N/A
- **Cost:** N/A

## **LEGAL REVIEW**

Completed

## VILLAGE OF HOMEWOOD



### **RECOMMENDED BOARD ACTION**

Pass an ordinance allowing the Village of Homewood to adopt standards to enhance compliance and enforcement of our Fire and Building Codes through our local Administrative Adjudication hearing process.

### **ATTACHMENT(S)**

Ordinance