

**DATE:** May 23, 2018

**TO:** Honorable Mayor Jerry Smith  
City Council

**FROM:** Patty Hoppenstedt, Interim City Manager  
Jo Ellen Charlton, Community Development Director  
Dean Frieders, City Attorney

**SUBJECT:** Review of Property Condemnation Procedures and Notice.

## **I. Summary**

Council recently engaged in a discussion about actions taken to condemn unsafe properties within the City, and the notice that was utilized. As part of that review, it was agreed that the notice utilized by the City inadequately informed residents. The City has reviewed past condemnation actions and considered the outcomes in a variety of circumstances and has prepared draft notices to be utilized for condemnations moving forward. This report advises the Council on condemnation protocol updates that Community Development is finalizing.

## **II. Background**

The Emergency Property Condemnation document attached as Exhibit 1 includes specific requirements for notification (both internal and external), as well as communication methodologies to be utilized. It places heavy emphasis on both owner and tenant contact and information dissemination. Exhibit 2 shows the “Tenant Listing/Information” form that can be utilized in the field to collect contact information on tenants in order to keep them updated on the status of any condemnation that impacts them. Staff is also investigating the possibility of referring residents not on site when the notices are provided to a website to leave their contact information and gain additional information and updates.

The procedure also requires written condemnation notices to be provided on the day of condemnation to the owner or an acknowledged or agreed to owner’s representative, if the owner is not available. It distinguishes between *immediate condemnation* based on highly unsafe conditions, and *delayed condemnation* that may be avoided if emergency repairs are undertaken within a specified time period. Exhibits 3 and 4 include the Immediate Condemnation Owner and Delayed Condemnation Owner forms respectively to be provided to owners. The following exhibits are included in both owner notices:

1. Exhibit A outlines all of the reasons a structure can be declared unsafe, and provides checkboxes and space to further describe specific conditions of the property.
2. Exhibit B provides notice of appeal rights.
3. Exhibit C provides a copy of a sample notice sent to residential tenants (outlined further below).
4. Exhibit D provides tenant contacts obtained and on file with the City for the case.

Exhibits 5 and 6 include the Immediate Condemnation Tenant and Delayed Condemnation Tenant forms respectively to be provided to residential tenants in a condemned building. Attached to these forms are the same Exhibit A as attached to the owner forms so tenants are informed as to why the building is or may be condemned.

Exhibit 7 is a Condemnation Frequently Asked Question (FAQ) document. It is intended that this document will be on the City website, where owners and tenants can go for updates and additional information.

### **III. Community Groups/Interested Parties Contacted**

The City engaged in substantial discussion of its condemnation procedures at the City Council meeting on April 9, 2018. This item will be discussed at the City Council meeting on May 29, 2018 with an opportunity for public comment. Feedback obtained during this meeting will be incorporated into any revisions prior to implementing the final policy.

### **IV. Legal Impact**

The City has the legal authority to approve policies and forms of notice.

### **V. Financial Impact**

The approval of this policy and notice requirement is not anticipated to generate any financial impact to the City. If there is an immediate need for condemnation which results in displacement of tenants with no options for housing, the City may provide temporary shelter at a local hotel. Historically, this has not happened frequently. There is no funding budgeted for this expense should this need arise.

### **VI. Recommendation**

It is recommended that Council discuss any policy questions regarding this item.



## **Exhibit 1**

### **Emergency Property Condemnation Procedure** (updated May 2018)

In the case of a possible building condemnation for any property (including residential uses), City staff shall endeavor to follow the procedures outlined below to the best of their ability, based upon the circumstances that are presented.

1. Confirm that City has authority to enter property.
  - a. Invited into property by tenant.
  - b. Authorized to enter property by owner (and consider if this extends to private tenant areas of the property).
  - c. Authorized to enter because of exigent circumstances or authority of building code.
  - d. When there is question about ability to enter, contact City Attorney. City can obtain search warrant if necessary.
2. Notify Police Department, Fire Department (non-emergency number) and Community Development Department of situation and presence on-scene.
3. On-site personnel evaluate conditions. If there is the potential that access to the site may be restricted, document conditions to the extent possible with pictures and video.
4. Make preliminary determination if conditions present an emergency that must be addressed immediately, or if conditions require a fast, but not immediate response.
5. Depending on capability of personnel on-site and nature of conditions, call for specialized expertise.
  - a. During normal business hours, arrange for responses through Director of Community Development, Fire Chief, and Chief Building Official Thaddeus Mack.
  - b. After hours, arrange for responses through On Call Fire Chief, with notice to Chief Building Official.

6. Coordinate documentation efforts with personnel that respond. At least one person should be expressly designated to take pictures/video, and at least one person should be expressly designated to prepare a written report. (These may be the same person).
  - a. While documenting, make note of presence of tenants or occupants. Try to develop a record of the number of tenants present, and which rooms/apartments they are in.
  - b. Use Tenant Log to track apartments, tenants, contact information, and contact made.
  - c. Every effort should be made to obtain accurate contact information for tenants, to ensure continuing communication. Contact information for City personnel should also be provided.
  
7. Develop preliminary recommendation regarding appropriate response. Make decision on whether to condemn, providing actual follow up notice to owner/tenant(s).
  - a. Tenant notification should include completed Tenant Immediate Condemnation Notice or Tenant Delayed Condemnation Notice.
    - i. Tenant notice should be given by the most expedient measure possible, whether email or hand delivery. Posting a copy on doors, or sliding under doors if necessary, is also acceptable if tenants cannot be reached personally.
  - b. Owner notification should include completed Owner Immediate Condemnation Notice or Owner Delayed Condemnation Notice, as well as a sample of the tenant condemnation notice.
    - i. Owner notice should be given by the most expedient measure possible, whether email or hand delivery. Posting a copy on doors or delivery to a known agent for the owner is also acceptable if owners cannot be reached personally.
  - c. Whenever a condemnation occurs, WRITTEN NOTICE TO OWNER AND TENANTS SHALL BE GENERATED AND PROVIDED AS SOON AS POSSIBLE. Staff may return to their offices to generate notices, but written notice shall be provided prior to staff leaving their shift.
  
8. City Manager notification:
  - a. In the event of an actual emergency, the first priority is protecting public safety, with notification once the scene is stable.
  - b. If after-hours and situation is an emergency requiring an immediate response and there is no doubt about appropriate actions to take, proceed to next step.
  - c. If not after-hours, contact City Manager's office with a verbal report of conditions. Make decision regarding whether matter should proceed, and proceed to next step if appropriate.



- d. If after-hours and situation is stable / not an emergency, complete documentation and contact City Manager's office as soon as practical.
      - e. City Manager is responsible for contact with press and Council.
9. Discuss remediation/repair with Owner.
  - a. If not emergency, is remediation plan reasonable? Are tenants adequately protected?
  - b. If emergency, implement relocation plan and then discuss remediation/repair.
10. Implement Relocation Plan based on urgency:
  - a. If conditions require immediate removal of occupants from property, notify Owner or manager and make arrangements to check all portions of building to confirm that it is vacant. Post property at all entrances and work to secure all entrances. If Owner or manager cannot be reached, use best efforts to check all portions of building, and consider seeking search warrant to enter individual tenant units. Proceed to next step.
  - b. If conditions require urgent, but not immediate removal of occupants, undertake same efforts to contact owner or manager and to make contact with all occupants. Post all entrances with a notice indicating when the condemnation takes effect. Post all tenant units with a notice indicating when the condemnation takes effect. Contact City Attorney to coordinate any required search warrant for individual tenant units, to be served at effective time of the condemnation order if repairs are not required
    - i. Under no circumstances shall any building be secured or boarded up until it has been fully and thoroughly searched to confirm that there are no occupants or pets remaining within it.
  - c. Once decision is made to undertake relocation of occupants, at least one person should be dedicated to implementing relocation plan and contacting appropriate community resources. Joanne Rouse shall be the point of contact for the City.
11. Notify police department of decision to vacate property, and effective time, so that Police Department can provide supplemental patrol.
12. Post official Building Code / Fire Department condemnation/closure notices on all main entrances/exits.
13. Provide individual notices to each tenant (see attached form), either personally, by sliding under a door, or by posting on each tenant unit door and each entrance to the building.
  - a. As noted above, tenants should receive either an immediate or delayed condemnation notice.



14. As soon as practical, establish page on City website to provide updates and information on status of condemnation. Coordinate with Information Technology.
  - a. Regularly update website with additional information.
15. Once building is confirmed to be vacant, make arrangements to secure building.
  - a. Owner or manager should secure building.
  - b. If Owner or manager cannot be reached or will not secure building, contact Fire Department to determine best mechanism to secure property.
    - i. Where entry is made under exigent circumstances/emergency (e.g. fire), complete search of entire premises before building is secured.
    - ii. Where entry is made on complaint basis or otherwise, may need to obtain search warrant. Must complete inspection of all portions of building before building is secured.
    - iii. Board Up Procedure. Contact dispatch for on-call board up contractor.
  - c. Police department should perform regular checks on property.
16. Generate written report (marked as draft until reviewed); forward report, photos and videos to legal.
  - a. Document all contact with tenants and/or owner to the fullest extent possible.
17. Arrange meeting with Senior Management Team (Community Development Director, City Attorney, CBO, Code Compliance Coordinator, and On Call Fire Chief) through City Manager's office; present report and discuss next steps.
18. Director of Public Works should determine need for and coordinate any required utility shutoffs.
19. Continue to maintain contact with tenants and provide updates as regularly as possible.



### **Relocation Plan:**

1. In case of Fire or other disaster, Fire Department coordinates appropriate relocation efforts.
2. In case of condemnation due to routine inspection, property owner is expected to provide alternate living arrangements in other units or in local hotels for those who are unable to relocate with relatives or friends. In the case of Northern Illinois University Students, university housing is an option. In the absence of owner participation, City staff to identify other resources which may include Hope Haven. As a last resort, it may be necessary for the City to provide hotel accommodations for displaced residents, although this is not a budgeted expense.
3. Document individual contact with each resident and note what their relocation plans are. Obtain contact information for each resident, for follow-up.
4. If emergency vacation of property is required, advise occupants that City will follow-up to arrange time to remove personal items from property; work to have occupants leave at that time with emergency items (toiletries, purse/wallet, clothing, etc.).
5. If on-site warming shelter or emergency transportation is required, contact Voluntary Action Center.





Exhibit 2

200 South Fourth Street  
 DeKalb, Illinois 60115  
 815.748.2000 • cityofdekalb.com

**Tenant Listing / Information**

**Property Address:** \_\_\_\_\_ **Property Owner:** \_\_\_\_\_

**Property Manager:** \_\_\_\_\_ **Owner Telephone:** \_\_\_\_\_

**Manager Telephone:** \_\_\_\_\_

Tenant listing should include all unit numbers (occupied or not), an indication of whether the unit is occupied, any available tenant contact information, an indication of whether the unit has been posted (and when), and any follow-up with the individual tenant. Please date and initial all entries.

Building/Unit Number	Tenant Name(s) of Adults/Children (or Vacant)	Tenant Contact Information while displaced (cell phone, address/contact where staying, and email)	Date/Time Notice Posted On Unit	Date/Time Initial Contact Made	Follow-up / Removal of Personal Property



Exhibit 3

RE: (ADDRESS)

Dear Property Owner,

Please read this letter carefully, and contact [INSERT NAME, TITLE, DEPARTMENT, PHONE NUMBER] if you have any questions or concerns.

**Summary:**

- 1) The City has found unsafe conditions in the property listed above.
- 2) The conditions are severe enough that the property has been condemned, effective immediately.
- 3) The City will work with you to implement emergency repairs as soon as possible.
- 4) Until the property is repaired and approved by the City, it is neither safe or legal to live in the property.
- 5) If you have any questions about this process, please contact me at (PHONE) or (EMAIL).

**WHY IS THERE A PLACARD (SIGN) ON MY PROPERTY?**

The City of DeKalb recently conducted an inspection of the above-referenced property and determined that it has significant property maintenance and/or building code violations that render it unsafe for continuing occupancy. Based on the conditions that the City observed, the City has significant concerns about the health and safety of anyone living, working or otherwise occupying the premises. Those concerns were discussed with INSERT DOCUMENTATION OF DATE, TIME AND METHOD OF COMMUNICATION WITH OWNER AND/OR OWNER'S REPRESENTATIVE, and (INSERT NARRATIVE REGARDING DISCUSSIONS AND CONDITION OF PROPERTY).

The condemnation placard on the door of the property indicates that it is being posted as of (EFFECTIVE DATE). **The property has been placarded as Condemned pursuant to Section 108.4 of the Code.** Continuing to live in or occupy the property after it is placarded as condemned is unlawful, and potentially unsafe.

**WHAT ISSUES EXIST ON MY PROPERTY HAVE LEAD TO THE CITY'S CONDEMNATION?**

The City has adopted the 2015 International Property Maintenance Code ("IPMC") as a binding regulation in DeKalb. Under Section 108.1 of the IPMC, a structure that is unsafe,

unlawful or unfit for human occupancy shall be condemned pursuant to the provisions of the Code. Attached to this letter are documents that provide more information about the City's findings:

- Exhibit A lists the reasons a property may be declared as unsafe, unlawful or unfit for human occupancy. The checked boxes describe the specific concerns identified at this property.
- Exhibit B outlines the process by which the City's determination can be appealed.

Pursuant to Section 116.1 of the 2015 International Building Code ("IBC"), the conditions described herein are officially deemed to be unsafe, and to render the structure and equipment therein unsafe. You are required to immediately comply with the terms of this order and submit appropriate building permit applications (where required above) showing a plan make the building safe. You are also required to immediately accept or reject the terms of this order pursuant to Section 116.3 of the IBC.

**ARE THE TENANTS AWARE OF THIS CONDEMNATION? (INSERT WHEN PROPERTY CONTAINS RESIDENTIAL TENANTS)**. The City is trying to obtain contact information for everyone who lives at the property, so we can contact each person. A copy of the tenant notification letter is attached as Exhibit C. A redacted copy of the Tenant Listing form is also attached as Exhibit D, which shows which tenants in your building the City has contacted successfully. If there are any tenants for whom you have contact information and whom you believe have not been informed of this matter, please pass along this notice to them and request that they provide their contact information to the City.

**WHERE WILL THE TENANTS LIVE NOW THAT THEIR HOME IS CONDEMED?**

The City will make every effort to encourage tenants to seek alternate temporary living arrangements with friends or relatives, or in local accommodations. In the event the City identifies tenants in your property who are unable to secure safe alternate living accommodations with their own means, the City expects you, as the owner, to identify alternate accommodations, including but not limited to, allowing displaced tenants to occupy another living unit you own or paying for accommodations at a local accommodation.

If you have any questions regarding this matter, please do not hesitate to contact me at **(CONTACT NUMBER)** or **(EMAIL)**. If you observe any emergency conditions at the property, please do not hesitate to call 911. If you require assistance after normal business hours, please contact the City of DeKalb at 815-748-8400.

The City will also post updates regarding this process at [www.cityofdekalb.com/\(WEBSITE ADDRESS\)](http://www.cityofdekalb.com/(WEBSITE ADDRESS)).

Yours Truly,  
**(NAME)**



**Exhibit A:  
Section 108.1 of 2015 International Property Maintenance Code  
Adopted by the City of DeKalb**

**Reasons a Structure Can Be Declared Unsafe**

**INSERT EXHIBIT A**



Exhibit A:

**TO BE INSERTED IN ALL NOTICES**

**Section 108.1 of 2015 International Property Maintenance Code  
Adopted by the City of DeKalb**

**Reasons a Structure Can Be Declared Unsafe**

- **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

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- **108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

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- **108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *Chief Building Official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

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- 108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

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**108.1.5 Dangerous structure or premises.** For the purpose of this Code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

- Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.

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- The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

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- Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

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- Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

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- The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

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- The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.

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- The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

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- Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

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- A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *Chief Building Official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

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- Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *Chief Building Official* to be a threat to life or health.

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- Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

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## **Exhibit B: Notice of Appeal Rights**

Pursuant to Section 107.2 of the Code:

- 1) This notice is in writing.
- 2) The property is commonly known by the address listed above.
- 3) The violations discovered at the property are listed on the enclosed Exhibit A.
- 4) The owner has the right to appeal this determination pursuant to Section 111.1 of the Code.
- 5) The City has the right to impose a lien against the property pursuant to Section 106.3 of the Code.





**Exhibit C: Sample Tenant Notice**

**(INSERT EXHIBIT C)**



**Exhibit D  
Tenant Listing**

**INSERT EXHIBIT D**



Exhibit 4

RE: (ADDRESS)

Dear Property Owner,

Please read this letter carefully, and contact [INSERT NAME, TITLE, DEPARTMENT, PHONE NUMBER] if you have any questions or concerns.

**Summary:**

- 1) The City has found unsafe conditions in the property listed above.
- 2) The property has been “placarded” or posted with a sign identifying the unsafe conditions and indicating that you have until (EFFECTIVE DATE AND TIME) to correct and repair the unsafe conditions.
- 3) If you correct the unsafe conditions before that date and time, the property will not be posted as condemned.
- 4) If you fail to correct the unsafe conditions by the date and time listed above, the property will be posted as “condemned,” and it will be unlawful to continue to occupy or allow anyone to occupy the property until the City has confirmed the unsafe conditions have been corrected and repaired. Posting the property as “condemned” will not occur before the date and time listed above in Item 2.
- 5) Please contact the City immediately to discuss emergency repairs to the property, and any applicable requirements for building permits or plans.
- 6) If you have any questions about this process, please contact [INSERT NAME AND TITLE] at (PHONE) or (EMAIL).

**WHY IS THERE A PLACARD (SIGN) ON MY PROPERTY?**

The City of DeKalb recently conducted an inspection of the above-referenced property and determined that it has significant property maintenance and/or building code violations that render it unsafe for continuing occupancy. Based on the conditions that the City observed, the City has significant concerns about the health and safety of anyone living, working or otherwise occupying the premises. Those concerns were discussed with INSERT DOCUMENTATION OF DATE, TIME AND METHOD OF COMMUNICATION WITH OWNER AND/OR OWNER’S REPRESENTATIVE, and (INSERT NARRATIVE REGARDING DISCUSSIONS AND CONDITION OF PROPERTY).

The property has been posted as potentially subject to condemnation pursuant to Section 108.1 of the 2015 International Property Maintenance Code (IPMC). The violations listed

under Section 108 must be corrected by the date and time listed above in Item 2 to avoid condemnation. Where permits are required, permits must be obtained, with proper inspections completed.

### **WHAT ISSUES EXIST ON MY PROPERTY?**

The City has adopted the 2015 International Property Maintenance Code (“IPMC”) as a binding regulation in DeKalb. Under Section 108.1 of the IPMC, a structure which is unsafe, unlawful or unfit for human occupancy shall be condemned pursuant to the provisions of the IPMC. Attached to this letter are documents that provide more information about City’s findings:

- Exhibit A lists the reasons a property may be declared as unsafe, unlawful or unfit for human occupancy. The checked boxes describe the specific concerns identified at this property.
- Exhibit B outlines the process by which the City’s determination can be appealed.

Pursuant to Section 116.1 of the 2015 International Building Code (“IBC”), the conditions described herein are officially deemed to be unsafe, and to render the structure and equipment therein unsafe. You are required to immediately take necessary actions to address the problems identified in this order and submit appropriate building permit applications (where required above), showing a plan to make the building safe. You are also required to immediately accept or reject the terms of this order pursuant to Section 116.3 of the IBC.

The placard on the door of the property indicates that it is being posted as of **(NOTICE DATE)**. You are being provided until **(EFFECTIVE DATE)** to complete emergency repairs to the property. You are also being served with written notice of this matter, by copy of this letter. If you make safe repairs to the property, we hope to avoid having to take further action.

### **WHAT HAPPENS IF I AM CANNOT COMPLETE THE REQUIRED REPAIRS BY THE TIME THEY ARE DUE?**

**In the event you fail to complete emergency repairs to the property by **(EFFECTIVE DATE)** at **(TIME)**, the property will be re-placarded as condemned pursuant to Section 108.4 of the Code.** Continuing to live in, occupy, or allow occupancy within the property by anyone for any purpose after it is placarded as condemned is unlawful, and potentially unsafe. The City will make every possible effort to work with you to effect emergency repairs to the property. Please contact me immediately to discuss emergency repairs, as well as any required assessments or building permits.



## **ARE THE TENANTS AWARE OF THIS CONDEMNATION?**

**(INSERT WHEN PROPERTY CONTAINS RESIDENTIAL TENANTS).** The City is trying to obtain contact information for everyone who lives at the property, so we can contact each person. A copy of the tenant notification letter is attached as Exhibit C. A redacted copy of the Tenant Listing form is also attached as Exhibit D, which shows which tenants in your building the City has contacted successfully. If there are any tenants for whom you have contact information and whom you believe have not been informed of this matter, please pass along this notice to them, and request they provide their contact information to the City.

## **WHERE WILL THE TENANTS LIVE IF THEIR HOME IS CONDEMNED?**

The City will make every effort to encourage tenants to seek alternate temporary living arrangements with friends or relatives, or in local accommodations. In the event the City identifies tenants in your property who are unable to secure safe alternate living accommodations with their own means, the City expects you, as the owner, to identify alternate accommodations, including but not limited, to allowing displaced tenants to occupy another living unit you own or paying for accommodations at a local accommodation.

If you have any questions regarding this matter, please do not hesitate to contact me at **(CONTACT NUMBER)** or **(EMAIL)**. If you observe any emergency conditions at the property, please do not hesitate to call 911. If you require assistance after normal business hours, please contact the City of DeKalb at 815-748-8400.

The City will also post updates regarding this process at [www.cityofdekalb.com/\(WEBSITE ADDRESS\)](http://www.cityofdekalb.com/(WEBSITE ADDRESS)).

Yours Truly,  
**(NAME)**



**Exhibit A:  
Section 108.1 of 2015 International Property Maintenance Code  
Adopted by the City of DeKalb**

**Reasons a Structure Can Be Declared Unsafe**

**INSERT EXHIBIT A**



## **Exhibit B: Notice of Appeal Rights**

Pursuant to Section 107.2 of the Code:

- 1) This notice is in writing.
- 2) The property is commonly known by the address listed above.
- 3) The violations discovered at the property are listed on the enclosed Exhibit A.
- 4) The owner has the right to appeal this determination pursuant to Section 111.1 of the Code.
- 5) The City has the right to impose a lien against the property pursuant to Section 106.3 of the Code.



**Exhibit C: Sample Tenant Notice**

**(INSERT EXHIBIT C)**





**Exhibit D  
Tenant Listing**

**INSERT EXHIBIT D**



Exhibit 5

RE: (ADDRESS)

Dear Tenant,

Please read this letter carefully, and contact [INSERT NAME, TITLE, DEPARTMENT, PHONE NUMBER] if you have any questions or concerns.

**Summary:**

- 1) The City has found unsafe conditions in the property listed above.
- 2) The conditions are severe enough that the property has been condemned, effective immediately.
- 3) The City will work with the Owner to implement emergency repairs as soon as possible.
- 4) Until the property is repaired and approved by the City, it is neither safe nor legal to live in the property.
- 5) The City will work with you to schedule access to the property to remove your personal items in a safe fashion.
- 6) If you have any questions about this process, please contact me at (PHONE) or (EMAIL).

**WHY IS THERE A PLACARD (SIGN) ON MY HOME?**

The City of DeKalb recently conducted an inspection of the property in which you live and determined it has a number of significant property maintenance and/or building code violations that render it unsafe for continuing occupancy. Based on the conditions the City observed, the City has significant concerns about the health and safety of anyone living, working or otherwise occupying the premises. Those concerns were discussed with INSERT DOCUMENTATION OF DATE, TIME AND METHOD OF COMMUNICATION WITH OWNER AND/OR OWNER'S REPRESENTATIVE, and (INSERT NARRATIVE REGARDING DISCUSSIONS AND CONDITION OF PROPERTY).

The condemnation placard on the door of the property indicates that it is being posted as of (EFFECTIVE DATE). **The property has been placarded as Condemned pursuant to Section 108.4 of the Code.** Continuing to live in or occupy the property after it is placarded as condemned is unlawful, and potentially unsafe. The City is making every possible effort to work with the Owner to effect emergency repairs to the property. We will work hard to ensure that your residence is safely maintained and will also work to keep you informed of any updates.

## **WHAT ISSUES HAS THE CITY IDENTIFIED EXIST IN MY HOME?**

The City has adopted the 2015 International Property Maintenance Code (“IPMC”) as a binding regulation in DeKalb. Under Section 108.1 of the IPMC, a structure that is unsafe, unlawful or unfit for human occupancy shall be condemned pursuant to the provisions of the IPMC. For your reference, attached to this letter is Exhibit A, which lists the reasons a property may be declared as unsafe, unlawful or unfit for human occupancy. The checked boxes describe the specific concerns identified at this property. Based upon the City’s determination that the property is unsafe, unlawful and unfit for human occupancy, the property is being posted as condemned.

## **HOW WILL I KNOW IF THE OWNER IS FIXING THE IDENTIFIED ISSUES?**

The City is trying to obtain contact information for everyone who lives at the property, so we can contact each person.

- If this notice was hand-delivered to you and you have provided your contact information to the City, we will maintain your contact information and provide you with updates on the status of this matter.
- If this notice was received by you after being posted on your door, slid under your door or mailed to you, **please contact the City at the number listed below to provide your contact information so we can continue to keep you updated on the status of the building.** If there are any tenants for whom you have contact information and whom you believe have not been informed of this matter, please pass along this notice to them and request they provide their contact information to the City.

## **WHERE WILL I AND/OR MY FAMILY LIVE NOW THAT MY HOME IS CONDEMNED?**

The City is aware that the placarding of the property and your potential displacement from your home creates significant difficulties for you and your family. However, continuing to reside within the property if the Property Owner does not complete the emergency repairs and the building is marked as “condemned” may pose significant health and safety concerns for your family.

If your landlord does not provide alternate housing and you require assistance with housing placement, you may contact the Housing Authority of the County of DeKalb at 815-758-2692. You may also visit their office at 310 North 6<sup>th</sup> Street, DeKalb, IL 60115, Monday-Friday between 8:30am and 4:30pm. For temporary housing arrangements, you may also wish to consider contacting the following DeKalb establishments:

Hampton Inn:	815-748-4323
Red Roof Inn:	715-748-8661
Baymont Inn:	815-748-7100
Holmes Student Center:	815-753-1744
Super 8:	815-748-4688
DeKalb Motel:	815-756-5411

If you require legal services, you may consult with a private attorney. If you require legal services and cannot afford the services of a private attorney, you may contact Prairie



State Legal Services at 630-232-9415. You may also visit their office at 1024 West Main Street, St. Charles, IL 60174. Prairie State specializes in the provision of legal services to persons of limited financial means and has extensive experience in landlord-tenant law.

If you have any questions regarding this matter, please do not hesitate to contact [INSERT NAME] at (CONTACT NUMBER) or (EMAIL). If you observe any emergency conditions at the property, please do not hesitate to call 911. If you require assistance after normal business hours, please contact the City of DeKalb at 815-748-8400.

The City will also post updates regarding this process at [www.cityofdekalb.com/\(WEBSITE ADDRESS\)](http://www.cityofdekalb.com/(WEBSITE ADDRESS)).

Yours Truly,  
(NAME)

CC: Property Owner



**Exhibit A:  
Section 108.1 of 2015 International Property Maintenance Code  
Adopted by the City of DeKalb**

**INSERT EXHIBIT A**



Exhibit 6

RE: (ADDRESS)

Dear Tenant,

Please read this letter carefully, and contact [INSERT NAME, TITLE, DEPARTMENT, PHONE NUMBER] if you have any questions or concerns.

**Summary:**

- 1) The City has found unsafe conditions in the property listed above.
- 2) The City is working with the Owner to immediately correct those issues.
- 3) The property has been “placarded” or posted with a sign identifying the unsafe conditions and indicating that the Owner has until (EFFECTIVE DATE AND TIME) to correct and repair the unsafe conditions.
- 4) If the Owner corrects the unsafe conditions before that date and time, you will not be required to leave the property.
- 5) If the Owner fails to correct the unsafe conditions by the date and time listed above, the property will be posted as “condemned”, and you will not be able to continue living at the property until the City has confirmed that the unsafe conditions have been corrected and repaired. Posting the property as “condemned” will not happen before the date and time listed above in Item 2. If repairs are not performed or are insufficient, the City will contact you (if you have provided contact information) to share all available information, and the City will post a notice on the door of the building indicating that continuing to occupy the building is unsafe and unlawful.
- 6) If the property does reach that point, the City will attempt to coordinate with you to arrange access to the property to remove necessary personal items.
- 7) If you have any questions about this process, please contact me at (PHONE) or (EMAIL).

**WHY IS THERE A PLACARD (SIGN) ON MY HOME?**

The City of DeKalb recently conducted an inspection of the property in which you live and determined it has a number of significant property maintenance and/or building code violations, rendering it unsafe for continuing occupancy. Based on the conditions the City observed, the City has significant concerns about the health and safety of anyone living, working or otherwise occupying the premises. Those concerns were discussed with INSERT DOCUMENTATION OF DATE, TIME AND METHOD OF COMMUNICATION WITH OWNER AND/OR OWNER’S REPRESENTATIVE, and (INSERT NARRATIVE REGARDING DISCUSSIONS AND CONDITION OF PROPERTY).

### **WHAT ISSUES HAS THE CITY IDENTIFIED EXIST IN MY HOME?**

The City has adopted the 2015 International Property Maintenance Code (“IPMC”) as a binding regulation in DeKalb. Under Section 108.1 of the IPMC, a structure that is unsafe, unlawful or unfit for human occupancy shall be condemned pursuant to the provisions of the IPMC. For your reference, attached to this letter are documents that provide more information about this specific property:

- Exhibit A lists the reasons a property may be declared as unsafe, unlawful or unfit for human occupancy. The checked boxes, describe the specific concerns identified at this property.
- Exhibit B outlines the process by which the City’s determination can be appealed.

The property has been posted as potentially subject to condemnation pursuant to Section 108.1 of the 2015 IPMC. The violations listed under Section 108 must be corrected by the date and time listed above in Item 2 to avoid condemnation.

### **WHEN MUST THE OWNER FIX THE IDENTIFIED ISSUES?**

The notice placard on the door of the property indicates the notification date, which is **(NOTICE DATE)**. The City has allowed the Owner until **(EFFECTIVE DATE)** to complete emergency repairs to the property. The Owner is also being served with written notice of this matter, a copy of this letter, and a list of tenants the City with whom the City has contacted. If the Owner makes safe repairs to the property, we hope to avoid having to take further action to condemn the property and displace you from your home.

### **HOW WILL I KNOW IF THE OWNER IS FIXING THE IDENTIFIED ISSUES?**

The City is trying to obtain contact information for everyone who lives at the property, so we can contact each person.

- If this notice was hand-delivered to you, and you have provided your contact information to the City, we will maintain your contact information and provide to you updates on the status of this matter.
- If this notice was received by you after being posted on your door, slid under your door or mailed to you, **please contact the City at [INSERT THE PHONE NUMBER] to provide your contact information, so we can continue to keep you updated on the status of the building.** If there are any tenants for whom you have contact information and whom you believe have not been informed of this matter, please pass along this notice to them, and request they provide their contact information to the City.

### **WHAT HAPPENS IF THE OWNER FAILS TO FIX THE IDENTIFIED ISSUES?**

**In the event that the Owner fails to complete emergency repairs to the property by **(EFFECTIVE DATE)** at **(TIME)**, the property will be re-placarded as Condemned pursuant to Section 108.4 of the IPMC.** Continuing to live in or occupy the property after it is placarded as Condemned is unlawful and potentially unsafe. The City is making every possible effort to work with the Owner so emergency repairs to the property will not interfere with your ability to safely live in the property. We will work hard to ensure your residence is safely maintained and keep you informed of any updates. **If you feel it is safe for you to continue living in the property, you may continue to live in the**



property unless and until the City posts the property as Condemned, which will not occur until **(EFFECTIVE DATE / TIME)** at the earliest.

**WHERE WILL I AND/OR MY FAMILY LIVE IF MY HOME IS CONDEMNED?**

The City is aware that the placarding of the property and your potential displacement from your home creates significant difficulties for you and your family. However, continuing to reside within the property if the Property Owner does not complete the emergency repairs and the building is marked as “condemned” may pose significant health and safety concerns for your family.

If your landlord does not provide alternate housing and you require assistance with housing placement, you may contact the Housing Authority of the County of DeKalb at 815-758-2692. You may also visit their offices at 310 North 6<sup>th</sup> Street, DeKalb, IL 60115, Monday-Friday between 8:30 a.m. and 4:30 p.m. For temporary housing arrangements, you may also wish to consider contacting the following DeKalb establishments:

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If you require legal services, you may consult with a private attorney. If you require legal services and cannot afford the services of a private attorney, you may contact Prairie State Legal Services at 630-232-9415. You may also visit their office at 1024 West Main Street, St. Charles, IL 60174. Prairie State Legal Services specializes in the provision of legal services to persons of limited financial means and has extensive experience in landlord-tenant law.

If you have any questions regarding this matter, please do not hesitate to contact [INSERT NAME?] at **(CONTACT NUMBER)** or **(EMAIL)**. If you observe any emergency conditions at the property, please do not hesitate to call 911. If you require assistance after normal business hours, please contact the City of DeKalb at 815-748-8400.

The City will also post updates regarding this process at [www.cityofdekalb.com/\(WEBSITE ADDRESS\)](http://www.cityofdekalb.com/(WEBSITE ADDRESS)).

Yours Truly,

**(NAME)**

CC: Property Owner





**Exhibit A:  
Section 108.1 of 2015 International Property Maintenance Code  
Adopted by the City of DeKalb**

**Reasons a Structure Can Be Declared Unsafe**

**INSERT EXHIBIT A**



## Exhibit 7 Condemnation FAQ

### ***What is condemnation?***

Condemnation is when a determination that a structure or piece of equipment has been determined to be unsafe to occupy or unsafe to use.

### ***If my building is condemned, does that mean it will be demolished?***

Barring other catastrophic circumstances, a condemned building rarely requires demolition. Typically condemnation means there are safety concerns that must be addressed, and upon completing the necessary repairs, condemnation can be removed and the building can be used again.

### ***What are some reasons a building is condemned?***

The City of DeKalb has presently adopted the 2015 International Property Maintenance Code (IPMC). Within this code, section 108 contains criteria specific to condemnation and includes unsafe structures, unsafe equipment, structures unfit for human occupancy, structures that are unlawful (illegal conversions into unapproved uses), and dangerous structures which includes but is not limited to buildings damaged by flood, fire, neglect or where conditions present are likely to cause sickness or disease. Condemnation may also be applied to buildings with inadequate utilities to ensure sanitation, lighting and heating are provided (shut-off water, electricity, gas and sewer).

### ***I don't own the building, but rent/lease from the owner. What can I do in the meantime?***

- If you rent or lease a commercial tenant space, such as a restaurant or office storefront, your business will need to be closed until repairs are made to remediate the cause for condemnation. Depending on the severity of the building conditions, repairs could be made quickly such as temporary shoring, restoring utilities, or replacing a malfunctioning piece of equipment like a bad furnace.
- If you rent or lease a residential dwelling unit, you will need to relocate temporarily until repairs can be made to abate the cause of the condemnation. For something more catastrophic like a fire or tornado, community service agencies such as the Red Cross may step up to assist you with relocation. If condemnation has been applied for something not so obvious like a fire, you are encouraged to reach out to family and friends first to find a place to stay while repairs are made. You are also encouraged to talk with your landlord and see if there's another unit they can relocate you to while repairs are made.

### ***A notice of pending condemnation was posted on my door. What does that mean?***

Pending condemnation means conditions exist at the property which are of great concern and need to be corrected immediately OR are easily correctable but need immediate attention. For example, if a utility such as gas, water, electricity or sewer is shut off, the rest of the building may be safe but the service needs to be restored.

Additionally, if a furnace has failed in the middle of summer, it needs to be corrected, but isn't leaving a tenant without heat. The City is providing notice that this needs to be corrected right away but is willing to afford a few days to see these items corrected without need to displace or disrupt occupants.

***If the building is unsafe to occupy, can I get my things out?***

Depending on the cause for the condemnation, you may be able to get your things out. If a catastrophic fire has occurred, you will likely not be able to retrieve all of your belongings. If prolonged absence of utilities has occurred, entering the property to retrieve some belongings doesn't pose a great risk for the brief period you may be inside. To enter a building after a notice of condemnation has been posted, please contact City Hall or the number listed on the posting, and your landlord (if applicable) and coordinate a time to meet on site and ensure you're in the building only to retrieve personal items and then vacate the premises. The building will remain secured once condemned unless work is being performed to remedy the cause of the condemnation.

***How do I know how long the condemnation will be posted?***

This is all dependent on the severity of the issues, and timeliness to get them corrected. Major fires, tornados, or structural failures will take some time to correct. For simpler matters, such as utility disconnects or sanitation and cleaning, the posting may only be up for a day or two. If you're renting or leasing a space, the best source of information on a timeline will come from the property owner.

***If I can't stay in the building, where should I go until this gets resolved?***

For something catastrophic like a fire or tornado, community service agencies such as the Red Cross may step up to assist you with relocation. If condemnation has been applied for something not so obvious, you are encouraged to reach out to family and friends first to find a place to stay while repairs are made. You are also encouraged to talk with your landlord (if applicable) and see if there's another unit they can relocate you to while repairs are made.

***City Hall is closed. Who should I call with questions?***

A phone number should be listed on the posted placard with contact information for the Police Department Non-Emergency line. That number is 815-748-8400. When a placard is posted, a description of the issues and information will be provided to the Police and Fire Departments. If there are questions outside of what information they know, they can relay questions to the appropriate person and get those answered.