

SPONSOR: Mark Kalwinski
1st District Councilwoman

ORDINANCE NO. 906D
AN ORDINANCE AMENDING ORDINANCE 8327, AMENDED ORDINANCE
8570, AMENDED ORDINANCE 8603, AMENDED ORDINANCE 8666 AND
AMENDED ORDINANCE 8700, ALSO KNOWN AS SECTION 96.152 OF THE
HAMMOND MUNICIPAL CODE AS IT PERTAINS TO RENTAL REGISTRATION
IN THE CITY OF HAMMOND
(as amended)

WHEREAS, the City of Hammond is in possession of many rental units, rental homes and apartment buildings in addition to owner occupied properties, and

WHEREAS, Hammond Police and Hammond Fire require the knowledge of which properties including single family homes as well as multi unit dwellings, are rental properties, and require this information for safety and emergency purposes; and

WHEREAS, Each rental unit in the City of Hammond is inspected by the City of Hammond Inspections Department and Fire Department for purposes of health and safety inspections, and to determine if the premises is fire safe, sanitary for human habitation and meets all basic living requirements such as water, electric and sewer, and is being properly maintained and is not a nuisance; and

WHEREAS, tenants are often a vulnerable population, subject to the living conditions imposed upon them by landlords, and many rental units do not meet the basic legal standards for light, health, space, cleanliness and sanitary requirements of habitation, and scrupulous landlords are forced to compete with those who are not putting them at a competitive disadvantage; and

WHEREAS, Hammond tax payers are forced to bear the cost of this inspection and enforcement efforts on these income properties in an effort to protect health and safety, and such inspection costs have increased while revenue available for this

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necessary Municipal Service is decreasing, due to the 1%, 2% 3% tax caps; and

WHEREAS, Many landlords of unfit dwelling or illegally constructed "cut up" rental units, avoid registering rental property as a means of avoiding the City of Hammond Inspections and enforcement of basic habitation standards, and these illegal units are often responsible for an increased number of police and fire calls, placing an additional burden on the Hammond tax payer and reputable landlords; and

WHEREAS, Rental units in the City of Hammond are a business and Hammond homeowners are increasingly asked to bear the cost of the enforcement of safety, code, fire and health standards at these businesses by means of expenditure of their property tax dollars, placing an additional burden on the homeowner who receives no benefit for this cost expenditure on income property; and

WHEREAS, in order for the City of Hammond to bear the increased costs of inspections and enforcement actions on income property it is necessary to increase the annual rental fee for each unit; and

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Common Council of the City of Hammond that Ordinance 8327, Amended Ordinance 8570, Amended Ordinance 8603, Amended Ordinance 8666 and Amended Ordinance 8700 also known as Section 96.152 of the Hammond Municipal Code is amended as follows:

- (A) Any owner of real property in the City of Hammond, which real property is used as rental housing, for all or part of any year, shall be required to register all such properties on an annual basis by April 15, of each year.

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- (B) The annual registration forms shall be available at the Hammond Inspections Department (and available on line) and no registration or renewal will be accepted by that office without a showing of full liability, fire or other insurance equal to the value of the property insured, including the cost of demolition of the property. Personal information provided for this purpose will be kept confidential by the Department. Alternatively, a bond or letter of credit from a federally insured financial institution may be filed with the Inspections Department in an amount equal to the value of the property insured or \$25,000, whichever is greater, which will be used to cover the cost of demolition should the property be damaged by fire, accident, natural disaster or lack of maintenance by the owner.
- (C) There shall be an \$80 annual fee assessed for each apartment, rental dwelling or rental unit, due with the registration form which must be completed each year. There shall be a fee of \$250 for every new apartment constructed after the ordinance goes into effect. An owner occupied building, as demonstrated by a current and accurate homestead exemption, in that homeowners individual name and not in the name of a trust, Limited Liability Company or Corporation, which contains multiple rental units in addition to the owner's primary full time residence, shall pay \$20 per unit, per year for those additional units. Additionally, a rental dwelling, rental unit or apartment, owned by a Hammond homeowner, as demonstrated by a current and accurate homestead exemption, on that homeowners full time Hammond permanent residence, in that homeowner's individual name, shall pay \$20 per year, per unit, with a limit of discounted 20 units, units over 20 shall be registered at the regular \$80 rate. Falsification of this information invalidates the registration and it is the property owner's duty to notify the

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City should this information change. Nothing in this section explicitly or by implication permits any landlord to rent an uninhabitable, unsafe or otherwise dangerous unit and no rental registration refund shall be made for such units.

- (D) Failure to register any or all real property or unit as rental housing with the City of Hammond shall constitute a violation of this subchapter and shall subject the owner to a fine up to \$2500 per unit, per day of violation, with second and subsequent violations punishable by up to \$7500 per unit, per day. A finding of violation by the Court shall be punishable by no less than \$300 for a first offense and \$500 for every second and subsequent offense.
- (E) Each day of the violation shall constitute a separate and actionable offense. Fraud in the application process or intentionally failing to provide correct information will invalidate the registration for that year, and the property owner will have the rental registration for that unit revoked. Initial registration is required within 30 days of the effective date of purchase or obtaining title to the real property which will be used as a rental. Any owner that removes the property from rental use, sells or otherwise transfers the property must contact the Inspections Department within 30 days of the transfer or will be found to be in violation of this section.
- (F) There shall be a \$500 per unit late fee assessed for each dwelling or rental unit/apartment not registered by April 15, of every year.
- (G) No landlord or property owner shall allow, permit, aid, or consent too, ignore obvious, or assist in illegal activity or conduct occurring on his or her property in the City of Hammond. The use of rental property in the City of

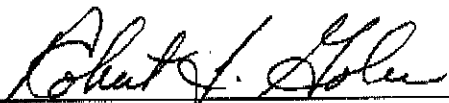
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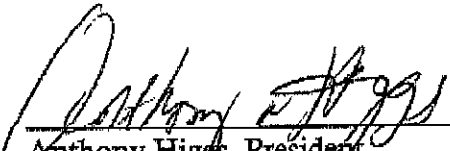
Hammond for illegal activity is grounds for revocation of the land lord license for that location. No landlord shall permit a nuisance to occur at the property once notified of said nuisance, and shall inform the tenant that he or she is responsible for following all City Ordinance and State Laws while residing at that location. A landlord, whose rental registration is up for revocation, may request a hearing before the Board of Public Works, should the City commence a revocation action and the decision of the Board of Works may be appealed to the Superior Court as provided by law.

BE IT FURTHER ORDAINED by the Common Council that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof and approval by the Mayor.

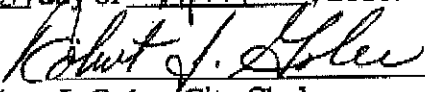
ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 21st day of April, 2010.

ATTEST:


Robert J. Golec, City Clerk
City of Hammond, Indiana

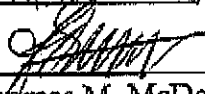

Anthony Higgs, President
Hammond Common Council

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 21st day of April, 2010.


Robert J. Golec, City Clerk
City of Hammond, Indiana

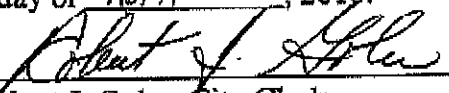
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The foregoing Ordinance No. 906D consisting of six (6) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this 27th day of April, 2010.



Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the 26th day of April, 2010, and Approved by the Mayor on the 17th day of April, 2010.



Robert J. Golec, City Clerk
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