

ORDINANCE NO. 2009-04-037

**AN ORDINANCE AMENDING SECTION 12.5-34  
OF THE URBANA CITY CODE CONCERNING WAIVER OF FEES  
AUTHORIZED UNDER THE RENTAL REGISTRATION PROGRAM**

WHEREAS, on January 16, 2007, the City Council passed Ordinance No. 2006-08-109, establishing a rental registration program for residential property within the City of Urbana; and

WHEREAS, Section 12.5-34 of the Urbana City Code provides that HUD assisted low-income permanent housing projects for seniors, persons with disabilities, and/or homeless individuals shall be eligible for a waiver of fees under said ordinance; and

WHEREAS, the Mayor and City Council find that the best interests of the City are served by amending said ordinance to provide that Medicaid or Illinois Department of Human Services funded housing for persons with disabilities also shall be eligible for a waiver of fees.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1. The Urbana City Code Chapter 12.5, "Landlord-Tenant Relationships," Article III, "Rental Registration Program for Residential Property, Section 12.5-34, "Fees," is hereby amended with the underlined text indicating new language as follows:

Sec. 12.5-34. Fees.

- (a) It being the goal of the city that the rental registration and inspection program be self-supporting, the council shall establish a two-tiered schedule of registration fees for:
- (1) Single-family dwellings and duplexes, which shall be applied on a per building basis; and
  - (2) Multifamily housing, which shall be applied on a per building and per unit basis.

The building official shall review income from fees and expenses of this program, and make recommendations to the council on any appropriate adjustments in the fee schedule. Fees shall also be set for:

- (1) Failure to register;
  - (2) Incomplete registration information;
  - (3) Failure to register by the due date; and
  - (4) Reinspections of rental properties.
- (b) HUD assisted low-income permanent housing projects for seniors, persons with disabilities, and/or homeless individuals; and Medicaid or Illinois Department of Human Services funded housing for persons with disabilities shall be eligible for a waiver of fees by the building official.
- (c) It shall be illegal for any owner or agent of the owner to charge a tenant or tenants, a fee greater than the actual pro rata cost of the registration fee and to attribute that greater than actual fee to the city. Any explicit pass-through of the registration fee must be accurately represented, calculated and communicated to the tenant in order to be effective, regardless of how the fee may be characterized in any lease documents.

(Ord. No. 2006-08-109, § 8, 1-16-07)

Section 2. Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 20th day of April,  
2009 .

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 24th day of April,

2009 .

*Laurel Lunt Prussing*  
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Laurel Lunt Prussing, Mayor