

-: - - Housing Court

Chapter 8: Research

, elevator, plumbing, and boiler inspections. The two divisions that organizers will come into most contact with are the Conservation and technical

The Division of Technical Inspections answers

5 complaints about electrical, plumbing and heating problems. Its inspectors monitor new construction

The Conservation Division inspectors are assigned geographically and are responsible for the maintenance of existing buildings. The city is divided into four Conservation districts - North, Mid-North, Mid-South, and South. Each of these is divided into three areas, with one supervisor assigned to each.

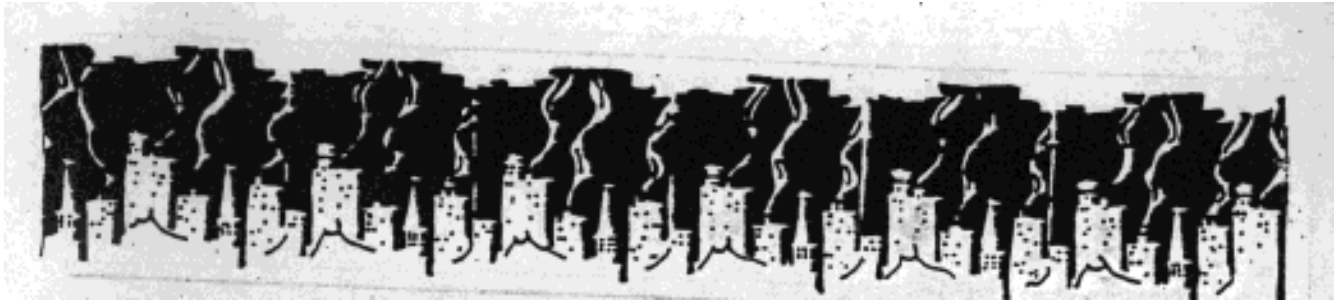
Most; community groups, tenants, or property owners deal with the Conservation Division concerning building violations. This division services citizen complaints about code violations, makes annual inspections of approximately 28,000 buildings in the category of; multiple dwellings over three stories, and testifies for the city regarding buildings that are in violations of the building code

About 15% o; inspector's time is spent in making annual inspections. Chapter forty-six or the Chicago Building Code outlines all the types of buildings in the city that have to be inspected annually for code compliance. The fire De?artment is responsible for the public buildings,, including hospitals, nursing homes, shelter care ;facilities,, homes for the aged, schools. and places of public assembly.. All other categories— residential. commercial and industrial are the responsibility of the Department of Inspectional Services. Figure 15 illustrates the building types that quality ;or annual inspections. A fee is charged for an annual inspection based on the square footage of the building. There is a \$25; charge for the ;first 25,000 square feet and an additional \$10 charge for every additional 25,000 square feet. The remaining 85% of a conservation inspector's or'; time is spent in following up on complaints.

Department of Inspectional Services ((DIS):): Current Organization

A building is in court if it has been cited by an inspector for building code violations and the owner has failed to fix them. The Department or Inspectional ; Services ((DIS)) refers the building to the Corporation Counsel, who files a suit against the owner. Between the time of the inspector's citation and the owners' day in court there are a series of events and actors which together comprise ;he Housing Court System.

The DIS is located on the ninth rigor of City Hall. It is headed by a commissioner and **employs 312 building inspectors who investigate complaints, follow** up on permit applications, and do annual



Tenements and the Building Code

After Chicago was incorporated in 1833, its first two ordinances appointed a fire warden and prohibited the disposal of dead animals in the Chicago River. These seemingly unrelated acts were the forerunners of the Chicago building code and housing court system.

The population of Chicago increased from 30,000 to 300,000 between the years 1850 and 1890. This rapid urbanization brought the rich and the poor into close proximity; cholera epidemics made the upper and middle classes aware of their vulnerability to the effects of the housing conditions of the poor. Moreover, the flimsy construction and overcrowding of the tenement districts raised the fear that fires could spread beyond the borders of the poor sections.

Even before the Illinois Housing Act (enacted in 1881), the City of Chicago in 1837 had already formed a Building Department and adopted an elaborate building code in the aftermath of the 1871 fire. Previously, reformers had not been able to convince city officials that tenement housing was structurally hazardous; housing problems were viewed only in terms of the spread of disease and consequently were handled by the Health Department.

After the Chicago fire, laws and regulations & a building code, were adopted to safeguard the rebuilding of the City. This stringent code stipulated that all new construction within the city limits had to be of brick. Not surprisingly, neighborhoods of poor and working class families housed in cheaper frame houses grew up just outside the city limits in Pilsen, Canaryville

Humboldt Park.

The struggle between the rich and the poor living in the proximity of an urban center formed the basis through which laws were made, broken, or circumvented. The housing reformers who advocated for better living conditions for the poor were social workers with middle class backgrounds. Improving physical housing conditions was viewed by the reformers as leading to social change. This view was widely held by advocates of urban renewal in the 1950's.

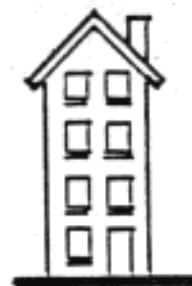
From its beginnings, this approach destroyed housing instead of improving it. Urban renewal was the culmination of this use of wrecking balls to improve housing for the poor. A story told about Jane Addams shows the roots of such problem solving.

Florence Kelly of Hull House publicly attacked the owner of a large block of tenements near the settlement for his failure to install plumbing and sewer connections. The absentee landlord, a young reform minded man named William Kent, denied that he was profiteering off the poor. After inspecting the flats with Miss Addams, he offered to turn them over to Hull House rent-free to see if the settlement staff could turn them into model tenements. Miss Addams declined. "Supplying Southern Italian peasants with sanitary appliances," she conceded to Kent, "would be throwing money away." She asked him to tear the buildings down instead and build a playground on the site. He complied.



Annual Inspection Building Types

Multiple Dwellings
4 Stories or More



Multiple Dwellings 3 Stories
With Basement Apartment
3 + 1 = 4 Story

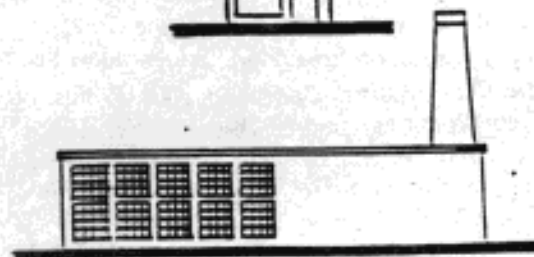


Multiple Use—Business
& Dwelling Units



All Buildings Over One Story
Other Than Dwellings

COMMERCIAL
BUSINESS
INDUSTRIAL



All Theaters
Churches
Schools
Public assembly
Open air assembly
No Height Limitations
or Story Limitations



Rooming & Lodging
Houses Sleeping 20
or More Persons



EXCEPT AS SPECIALLY NOTED, ALL AREAS ARE TO BE INCLUDED IN COMPUTING SQUARE FOOTAGE

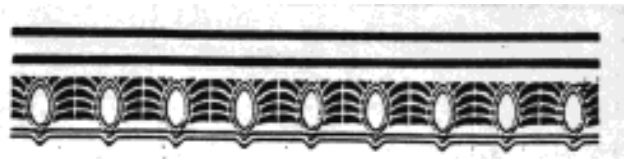
building. The Department of Health and the Mayor's Office of Information and Inquiry also take housing complaints but refer all these complaints to the DIS. For faster results, call DIS directly at 744-3420. 3420.

Inspectors are sent out to check complaints. If violations are found, he or she writes up a notice of violation which is then checked by the supervisor. The notice lists all the complaints and refers to each of the violation building code standards. Roughly 90 percent of the buildings inspected are found to have violations and go on to the next step, a Compliance Board Hearing. A notice is sent to the owner (Figure 16). Thirty days are given to correct the violations before appearing at the Compliance Board hearing. This hearing is viewed by DIS as a conference with the owner to discuss the violations. The conference is held at City Hall in the offices of the DIS (ninth floor). A panel of three inspectors meets with the owner. No further action is taken if he or she comes to the hearing with documentation (receipts, photos) that the violations have already been corrected. If the violations are not corrected a follow up inspection is set which again allows the owner to do all the necessary repairs.

If the owner does not show up at the Compliance Board hearing or does not correct the violations within the agreed upon time, the DIS then refers the case to the Corporation Counsel for legal action. The Fire Department also has Compliance Board hearings for the buildings they annually inspect. They are held at the the-Bureau of Fire Prevention at 558 W. DeKoven Street, and run the same way as the DIS hearings. If the owner does not correct the violations in the allotted time, the Fire Department refers the case to the Corporation Counsel.

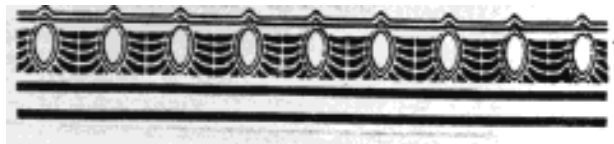
The Corporation Counsel is the legal counsel and representative for the City of Chicago, and provides advice and counsel to the Mayor and all city departments. In Housing Court cases the City of Chicago is the plaintiff and the owner is the defendant. Around 20,000 cases are filed in Housing Court each year. According to a department spokesperson, one third of the Compliance Board hearing cases are referred to the Corporation Counsel and go on to court. The Corporation Counsel then sends a complaint to the property owner(s) stating the building's violations and summons the owner to appear in court on a specific date.

Housing Court



-Typical Process of How Building

- 1. Tenant or neighbor calls DIS to complain about building.**
2. Inspector is sent out to investigate complaint.
- 3. Owner is sent notice to appear at Compliance Board hearing.**
4. Owner doesn't show up; building is referred to Corporation Counsel.
- 5. Corporation Counsel files suit against owner; court date is set. --a -**
;..
- 6. Owner is summoned to appear in court to answer the complaints against the building.**



Of the Cook County Circuit Court. It has six divisions. The City of Chicago is division one. Before 1976 the Municipal Department only had the power to fine defendants for not complying with the code. More serious housing cases involving injunctions, demolitions, and receivers had to be referred to Chancery Court for more drastic measures. In 1976 the General Orders of the Circuit Court of Cook County assigned all Housing cases to the Municipal Department, also giving it additional powers in rulings concerning housing cases.

Housing cases dated before 1976 have both Municipal (MI) and Chancery (CH) call numbers. All housing cases after 1976 have only Municipal call numbers.

The General Orders gave the Municipal Department the following additional powers on hearing housing cases:

1. enforcement of building and most zoning ordinances;

CONSERVATION

MS 107



CITY OF CHICAGO

WILLIAM L. DUGGAN
COMMISSIONER 17th FLOOR CITY HALL
171 NO. LA SALLE, CHICAGO, ILL. 60602

DEPARTMENT OF INSPECTIONAL SERVICES

7/08/82 ← DATE OF INSPECTION

Somewhere Chicago
South Throop Street
Chicago, Illinois

PE South Throop Street O FRONT

The City of Chicago is interested in the conservation and improvement of your property and neighborhood. Inspectional Services personnel are available to assist and advise you concerning the requirements of the Municipal Building Code. If you have any questions concerning these violations, please feel free to call the area supervisor. Work identification number and phone number are indicated below.

← DATE OF NOTICE

31	3	F	*	MS 107	B	059	744-7883	70
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CONSERVATION MIDSOUTH DIV.

148200 001

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- 15 076044
REPAIR OR REPLACE DOWNSPOUT. (SEC. 82-61)
REAR DOWNSPOUT - REPLACE - MISSING
- 16 104015
REPLACE BROKEN, MISSING OR DEFECTIVE WINDOW PANES. (Sec. 78-53)
2ND FL AND 3RD FL - BROKEN AND MISSING PANES
- 17 138056
REMOVE ACCUMULATION(S) OF REFUSE AND DEBRIS AND KEEP PREMISES
CLEAN AND FREE FROM ANY SUCH ACCUMULATION.
(Sec. 96-8; 78-86 (D) 78-81 (H))
3RD FL ROOMS - JUNK AND DEBRIS
- 18 104025
REPAIR OR REPLACE DEFECTIVE WINDOW SASH. (Sec. 78-83 (8))
THRU-OUT - ROTTED SASH
- 19 104035
REPAIR OR REPLACE DEFECTIVE WINDOW FRAME. (Sec. 78-83)
THRU-OUT - ROTTED FRAME
- 20 104055
RETRIM OR REPUTTY WINDOW PANES. (Sec. 78-83)
THRU-OUT - REPUTTY WINDOWS

***** E N D O F N O T I C E *****

***PLEASE BRING THIS NOTICE TO THE DEPARTMENT OF INSPECTIONAL ***
***SERVICES WHEN APPLYING FOR A PERMIT, ATTENDING A HEARING, ***
***OR REQUESTING ADDITIONAL INFORMATION ***

compliance with the ordinances;

3. demolition of dangerous, unsafe and incomplete buildings;

4. creation of receiverships for general purposes.

In addition to the specialized court for Housing Code compliance which is the court our research is dealing with, there is also a special court for landlord and tenant relations.

Criminal Housing Management -

As stated previously, the Corporation Counsel prosecutes the building code compliance cases for the city in Housing Court. When the Corporation Counsel finds that an owner or management company is grossly mismanaging or neglecting a building the case is referred to the State's Attorney's housing division. Only the State's Attorney has the authority to press criminal charges for housing abuse or negligence. The following State statute empowers the State's attorney's office in this area

a. *A person commits the offense of Criminal Housing Management when having personnel management or control of residential real estate, whether as a legal or equitable owner of residential real estate or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical conditions or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any inhabitant is endangered.*

Sentence.

Criminal Housing Management is a Class A Misdemeanor, Illinois Revised Statutes 1979, Chapter 38, Section 12-1.

A Class A misdemeanor can lead to a jail sentence of as many as 364 days and a fine of \$1,000 per count or offense. The fines per count can continue to add up. but the jail sentence is limited to less than a year.

Because of limited research staff the state's attorney housing division only prosecutes the most severe or "airtight", cases. They welcome leads from community groups on negligent property owners.

Although only the State's Attorney's office has the

city has a separate program called Criminal Housing Management. This program is devised for severe cases of negligence involving buildings with numerous violations considered by the inspector to be health and safety hazards to the occupants and neighbors. The city uses the term criminal only to denote seriousness. In order for a building to be referred to the city program, a team of inspectors must inspect it and make a collective recommendation. Each year approximately 900 buildings are recommended to this program. Once a building is recommended it is also referred to the State's Attorney's office. Although the State's Attorney's office accepts all the city's referrals it only prosecutes the most severe cases, primarily because of limited funds and staff.

Court Procedures

Housing Court convenes at 9:30 a.m. every morning in the odd numbered courtrooms on the 11th floor of the Daley Center. Outside every courtroom there is a bulletin board on which sheets are posted every morning with the addresses or the buildings in court that day. The clerk in the courtroom has the files in order according to the page and line number on the posted sheets. The clerk will identify buildings by page and line number, not case number.

Check the court schedule (Figure 16) to find out which day buildings from your community area are in court. The sheets for your community area court date are for the less serious violations. You will have to check the sheets for Demolition Court and the other specialized courts for addresses of other buildings from your community in court. There are approximately 13,000 cases being heard in Housing Court every month. About 3,000 of these are demolition case.

It is a good idea to spend a few days in court familiarizing yourself with typical courtroom procedures. The main actors in the courtroom are the Judge, corporation counsel, building inspectors, and the clerk. Although many homeowners represent themselves, larger management companies and landlords have lawyers. The Corporation Counsel is the prosecutor representing the City of Chicago, and the building inspectors are the main witnesses for the city. The inspectors testify about the current condition or progress of the work on the building in question based on their fact inspection usually made one or



Corruption and the Building Department

It's difficult to talk about building codes, inspectors, and courts without referring to the "shady" image of the system that is dominant in the minds of many property owners.

The severity of the Chicago Building Code has provided opportunities for graft on the part of inspectors and owners. As far back as 1912 the Bureau of Public Efficiency found morale in the Building Department "eaten into by corruption as well as by ineffective methods of supervision and administration." The most recent case of corruption was exposed in 1988 at the Mirage, a neighborhood tavern owned and operated by the Better Government Association (BGA) and the *Chicago Sun-Times*. BGA staff and *Sun-Times* reporters posed as owners to document the "shakedowns, payoffs, and government by envelope," which everyone knew about but couldn't prove. Six building inspectors were indicted on charges of accepting pay-offs in the Mirage incident. More than thirty inspectors have been indicted since.

The building department, reorganized because of the Mirage indictments in January of 1980, was renamed the Department of Inspectional Services. Several top people were replaced at that time and the former head of the Police Intelligence Division was appointed as Assistant Commissioner. This was

... meant as a strong statement to grafters that the days of bribery were over. As one of the 11 Housing Court judges said, "Payoffs to inspectors still occur but not as frequently and blatantly as before the Mirage expose."

The consistent presence of corruption in the inspection of buildings for code violations is an issue that community groups have to face head on. One community group on the northside of Chicago had a committee of inspector "watchdogs." Inspectors were accompanied on their rounds with a committee member so that the inspector would not threaten residents with unnecessary violations for a pay-off or so that slumlords could not try to pay-off the inspectors to overlook violations. --



When owners receive their notice to appear in court they are instructed to call the DIS to arrange further inspections to monitor the progress of repairs. Sometimes inspections are waived if the owner can furnish proof in the form of receipts for materials, a building permit, or other comparable evidence to show that the violations are corrected. Usually, however, the judge will want the inspector to do a final check. This will mean a continuance and another court date is set. Most continuances are for three months. According to a Better Government Association study, in more than 70% of the cases the judge gives the owner a continuance to complete the work and set up an inspection date. One of the major complaints, voiced by critics of the court is that . . .

continuances for a building can go on, and have gone on, for years.

Research Tip/Continuances A long series of continuances often indicates a wily owner with no intention of fixing up the property, and an easily conned judge. Evidence of unwarranted continuances can spice up tenant's testimony in court

In addition to this problem of continuances, the court seldom uses its authority to collect fines from owners. According to an article in *Crain's Chicago*

