

# VILLAGE OF ROUND LAKE BEACH

CRIME FREE LEASE PROGRAM

# EVICTIION PROCEDURES

A General Overview

# BE PREPARED TO RENT

Get to know your tenant.

# BE PREPARED TO RENT

- Obtain and use an Application for lease.
  - Perform a background check.
    - Contact references.
  - Conduct thorough interview with prospective tenants and all parties who may live at the premises.

# OBTAIN AND USE AN APPLICATION FOR LEASE

Have Application include information concerning

- Full name,
- Social Security Number,
- Driver's License Number (with photocopy)
- Employer Information

# OBTAIN AND USE AN APPLICATION FOR LEASE

Have Application include information concerning

- Bank Account Information
  - References
    - Last place of residence
    - Nearest Living Relative
    - All Vehicle Information

# PERFORM A BACKGROUND CHECK

- Instruct the tenant during the interview that you intend to run a background check to include:
  - Driver's License History and Status
    - Criminal Background Check
      - Chain of Residency

# CONTACT REFERENCES

- Make contact with as many people and agencies that the prospective tenant provides.
- While time consuming in the beginning, it can save Landlord from headaches and frustration later.
- Trust your instincts about a Tenant.

# CONDUCT THOROUGH INTERVIEW

- Conduct thorough interview with prospective tenants and all parties who may live at the premises.
- Discuss every aspect of Lease, Rules and Crime Free Lease Addendum.

# LEASE

- Rent Amount.
- Security Deposit (collect before allowing tenant to move in and Default provision).
- Pet Clause (Kind, Number and Cleanup).
- Late Fee.
- Failure to Pay or Bounced Check Provision.
- Holdover Clause.

# LEASE

- Attorney's Fees.
- Utilities and Maintenance.
- Association Issues (if any).
- Restrictions on Guests and what constitutes a "Guest."
- Vehicles (number of allowable vehicles and all information concerning vehicles).

# LEASE

- Provision stating that damage to the premises caused by the tenant shall be added as additional rent.

# SUGGESTIONS FOR LANDLORD

- Keep running ledger and receipts of payments.
- Maintain lease file, including any and all correspondence with the tenant.

# RULES

- Establish a Set of Rules incorporating the Crime Free Lease Addendum.
- Incorporate additional restriction in Lease Addendum that the Tenant shall comply with all local housing Ordinances and shall be liable for all Ordinance violations caused by the Tenant during their length of tenancy.

# GENERAL RULES OF RENTING

- Do not be known as the “nice” or “understanding” Landlord.
- Establish tone and nature of Landlord/Tenant relationship at the beginning.
- Make sure Tenant signs and initials all documents.
- Get additional personal guarantees, if possible.

# EVICTIION PROCESS

- Notice of Breach of Lease and Service.
- Filing of Suit under Forcible Entry and Detainer Act Statute and amounts claimed.
- Service of Summons.
- Return Dates.
- Trial Dates.

# NOTICE OF BREACH OF LEASE AND SERVICE

- Five-Day Notice
  - Ten-Day Notice
  - Thirty-Day Notice.
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- Personal Service
  - Abode Service
  - Service by Posting or Certified Mail

# NOTICE OF BREACH

- Notice should ONLY include past due rent and late fees.
- Notice should never include tenant's failure to pay security deposit.

# FILING THE SUIT

- Always have a Verified Complaint filed to expedite the eviction process and reduce the chance of the Landlord having to appear in Court.
- Suit under Forcible Entry and Detainer Act may be for rent past due, damages to premises made a part of rent, late fees and reasonable attorney's fees.

# SERVICE OF SUMMONS

- Service should always be by Personal or Abode Service.
- Always use a licensed Private Investigator.
- Investigator should try numerous times and dates to get service (at least 10 attempts).
- Service allowable up to three day before court.

# SERVICE OF SUMMONS

- If Service cannot be obtained, the Court will allow Service by Posting.
- Service by Posting must take place by the Sheriff and will only be allowed by Court Order after a sufficient amount of attempts at personal service.

# RETURN DATES

- Initial Return Dates to court can be set in conjunction with ability to serve the tenant and the Court's Docket.
- If Defendant(s) fail(s) to appear at return date or fail(s) to file an Appearance, the Court will enter a Judgment and Possession Order staying the eviction one to two weeks.

# RETURN DATES

- If the Defendant appears and denies owing money or files an Appearance, the case will be continued one week for trial.
- Be prepared to go to trial before starting the eviction process. Consider proof issues and whether Landlord will be traveling during the time the case is in Court.

# TRIAL DATE

- Be Prepared with supporting documents.
- Have all people familiar with case present to testify.
- Admit any offsets when applicable.

# CRIME FREE LEASE PROGRAM

- Although State statute provides for some assistance, the Ordinance for crime free housing allows the Landlord access to evict problem tenants, provides additional protections to the Landlord's property and allows the Village to attempt to remove problem Tenant's from the community.

# EVICTIIONS AND THE CRIME FREE LEASE PROGRAM

- Addendum made a part of the Lease.
- Ordinance, when explained up front to Tenant, will place Tenant on Notice that any criminal activity will not be allowed and that both the Landlord and Village will be monitoring the tenancy.
- Village to notify Landlord of violation.

# NOTIFICATION OF VIOLATION

- The Village will attempt to contact the Landlord to notify the Landlord of said violation and request the Landlord to rectify the problem.
- Ideally, Landlord should confront Tenant and see if Tenant can be convinced to move voluntarily without the expense of eviction.

# LANDLORD'S RESPONSIBILITIES

- As owner of the property, the Landlord is responsible for condition of the property and the tenants placed at the property.
- Violations of the Crime Free Housing subjects the Landlord to loss of Rental Certificate and possible fines through the Administrative Adjudication Process.

# VIOLATION OF CRIME FREE HOUSING ORDINANCE

- Landlord/Owner is ultimately responsible.
- Rental or Tenancy under a revoked Rental Certificate could subject the Landlord/Owner to a fine assessed daily until such time as the Tenant is removed from the Property.
- Assessed fines could result in a Lien being placed on the property.

# VIOLATION OF CRIME FREE HOUSING ORDINANCE

- If a violation occurs and the Landlord is notified, Landlord should consider all options.
- Review status of lease payments, obedience to the Lease, etc.
- Prefer to evict for lack of rent payments rather than under Crime Free Housing Addendum.

# STEPS TO EVICT UNDER CRIME FREE HOUSING

- Assuming all other parts of the lease and tenancy are valid and in good standing, a Ten-Day Notice should be served.
- In preparing the Verified Complaint, the Landlord should work with the Police Department for purposes of getting witnesses to testify, reports and all other evidence.

# EVICTON PROCESS UNDER CRIME FREE HOUSING

- Ten-day Notice and Filing Verified Complaint is the same as any other eviction.
- Proving the case is different from failure to pay rent. Landlord must and will have the support of Police Department, but the costs and expense of the Eviction shall be the responsibility of the Landlord.

# TRIAL

- The underlying criminal charge will dictate the extent of the proof.
- Standard is the preponderance of the evidence.
- An officer's testimony should be sufficient, but all the Rules of Evidence apply.
- Otherwise, eviction under the Crime Free Housing Ordinance is the same as a regular eviction.

# DIFFICULT CASES

- Drug Offenses.
- Cases involving third party witnesses reluctant to give testimony (Battery, Prostitution, etc).
- Cases still pending.

# GENERAL COSTS OF EVICTION

- Filing Fee - \$126 - \$286.
- Service - \$25 - \$100.
- Attorney's fees - \$175 - \$600.
- Command Stamp - \$6.
- Sheriff Posting fee - \$24 - \$40.
- Sheriff Eviction - \$60/hr plus mileage
- Memo of Judgment - \$29