

City of Oak Forest



Crime Free Multi-Housing Program

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Notice of Disclaimer

Certain portions of the workbook contain descriptions of legal procedures. These descriptions are general summaries and are not intended to provide clear understanding of the legal process. The distribution of this manual is done with the expressed understanding that the City of Oak Forest, the Oak Forest Police Department, or their employees are not engaged in rendering legal services. **No part of this manual should be regarded as legal advice or considered as a replacement for the property owner or managers responsibility to become familiar with the laws and ordinances of the federal, state, and local governments.** You should also be aware that laws change and court rulings affect legal procedures. Thus material in this manual could be rendered obsolete. We urge you to seek the assistance of an experienced attorney to assist you with your rental situations.

November 2006

The Crime Free Multi-Housing Program and its corresponding Workbook were originally developed by Timothy L. Zehring of the Mesa, Arizona Police Department in 1992. The Program was designed to be law enforcement-driven, and had been used effectively in over seventeen hundred communities across the United States and in Canada by the year 2000. Its utility and application continues to grow.

Thanks are extended to the Officials of the City of Oak Forest for their support of the implementation of this program in our City, as they have enacted an ordinance which requires that any owner, agent, or designee of residential rental property is required to utilize the Crime Free Lease Addendum, which shall give the landlords the authority to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. The Addendum, to be added to the lease, cites specific actions that will be taken by the Management when the Tenant or someone under the Tenant's control is involved in criminal, illegal, or dangerous activity on or near the rental property.

The Crime Free Multi-Housing Program is a police-sponsored program, designed to be simple to implement and yet has shown itself to be extremely effective in reducing criminal activity in rental properties. It involves a unique three-phase certification program, applicable for rental properties and complexes of all sizes, including single-family rental houses. The first phase consists of the completion of an eight-hour program for property owners or their agents or designees, taught by police and fire personnel, which includes crime prevention tactics and explanation of the implementation of the Crime Free Lease Addendum. The second phase involves assessing physical security and the general appearance of the property, in regards to crime deterrence. The third and final phase consists of the Police Department conducting a "Safety Social" for the residents at the involved rental property. This has occasionally included guest speakers to address specific topics relating to the individual property.

This manual was adapted and revised for use in and by the City of Oak Forest by Oak Forest Deputy Chief David DeMarco, Sergeant Argelio Lopez and Officer Eric Wynn. Its purpose is to provide accurate and authoritative information about the subject matters addressed. It is being offered as a community service for the sole purpose of reducing the likelihood of criminal activity in our rental communities. It is presented with the understanding that the City of Oak Forest and the Oak Forest Police Department are not and can not be engaged in rendering legal, accounting or other professional service, other than crime prevention education; let it be known that if legal advice or other expert assistance is required, the services of a competent professional person should be sought.

Deputy Chief David DeMarco
Sergeant Argelio Lopez
Officer Eric Wynn #151
Crime Free Programs Coordinators
Oak Forest Police Department

Ordinance No. 2006-11-00630

**Ordinance of the City of Oak Forest
Amending the Municipal Code to Provide for
Licensing of Persons Engaged in the Business of Renting Housing Units**

WHEREAS, the Mayor and City Council of the City of Oak Forest find and determine that it is in the best interest of the community that persons who are engaged in the business of renting dwelling units to the public be licensed and the business be subject to regulations for the health, safety and welfare of the community;

NOW THEREFORE, BE IT ORDAINED by Mayor and City Council of the City of Oak Forest as follows:

Section 1. Title 5 of the Codified Ordinances of the City of Oak Forest, entitled “Business License Regulations,” is hereby amended by adding thereto the following Chapter 5.73, entitled “Residential Rental License.”

5.73 RESIDENTIAL RENTAL LICENSE

5.73.01 License Required

No person, corporation or business entity, condominium, townhouse or homeowners' association shall engage in the business of renting any dwelling unit to the public, operating a rental dwelling or dwelling unit, rooming house or rooming unit, unless a valid Residential Rental License has been issued by the City Clerk for the specific location. This licensing requirement shall not apply to group homes governed by the Specialized Living Centers Act, 405 ILCS 25/1 et seq., dealing with the developmentally disabled, or other similar uses governed by state or federal laws, rules or regulations.

5.73.02 Application for License

Application for a Residential Rental License shall be made in the name of the legal owner of the premises to be rented, submitted to the City Clerk on forms provided by the Clerk. The application shall identify the location of the property; the name, address and telephone of the owner; the name, address and 24-hour telephone(s) of the

manager or custodian of the property; the owner's agent for service of process; and such other information as the Clerk may reasonably require.

5.73.03 License Fee

The annual fee for a Residential Rental License shall be paid at the time of application as follows:

- 1 to 24 dwelling units: \$100.00 per year
- 25 or more dwelling units: \$200.00 per year

5.73.04 Term of License; Transfer Prohibited; Renewal

A Residential Rental License shall be issued for a period of one calendar year. All licenses shall expire on December 31 next after issuance, unless previously revoked. The license shall not be transferable. Each new owner of the rental dwelling unit must obtain a license. Application for renewal shall be made in the same manner as for a new license.

5.73.05 Inspection Required

No Residential Rental License shall be issued or renewed unless the dwelling unit(s) and common area(s) in connection with which the license is sought are found after inspection to meet all applicable laws and regulations. Rental dwelling units that change ownership shall be required to be inspected before a new license can be issued. The owner will be provided with an inspection report describing any condition which constitutes a violation of any applicable law or regulation, and shall be afforded a reasonable opportunity to correct any such conditions. In the event that more than two (2) followup inspections are required to determine compliance, the applicant shall pay an additional inspection service charge of \$100.00 for each additional inspection. Payment must be made in full prior to issuance of the license.

5.73.06 Crime-Free Housing Seminar Required.

All persons applying for a Residential Rental License and all persons administering, managing or controlling the operation of any rental dwelling unit must

attend a Crime-Free Multi-Housing Seminar, administered by the Oak Forest Police Department, prior to issuance of the license. The seminar may be attended after application has been submitted and the license will be issued after successful completion. Each licensee shall attend a Seminar every three years.

5.73.07 Crime-Free Lease Addendum

Every lease or other agreement for rental of any residential property shall include a “Crime-Free Lease Addendum” in substantially the following form:

Crime-Free Lease Addendum

In addition to all other terms of the lease, Landlord and Tenant agree as follows:

1. The Tenant, any member of the Tenant’s household, any guest or any other person associated with the Tenant on or near the leased premises:
 - a) Shall not engage in criminal activity, including drug-related criminal activity, on or near the leased premises. “Drug related criminal activity” means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance as defined in 21 U.S.C. 802.
 - b) Shall not engage in any act intended to facilitate criminal activity.
 - c) Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.
2. ANY ACTIVITY PROHIBITED BY THIS AGREEMENT SHALL CONSTITUTE A SUBSTANTIAL VIOLATION OF THE LEASE, MATERIAL NONCOMPLIANCE WITH THE LEASE, AND GROUNDS FOR TERMINATION OF TENANCY AND EVICTION.

5.73.08 Periodic Inspection

Every residential rental property and dwelling unit is subject to periodic inspection by the City at reasonable times and in a reasonable manner to ensure

continuing compliance with all applicable laws and regulations. Whenever it appears by inspection that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable laws and regulations, the City shall serve the owner or operator with notice of such violation, stating what action is required to correct the violation and the time period allowed for correction. Such notice shall state that unless the violations cited are corrected within the time allowed, the Residential Rental License may be suspended or revoked.

5.73.09 Violation of “Crime Free Lease Addendum” Prohibited

It shall be unlawful for any licensee to permit any tenant to occupy any residential rental property in violation of any provision of the “Crime Free Lease Addendum” required by this Code.

5.73.10 Suspension or Revocation of License; Hearing; Appeal

The City Clerk may suspend or revoke any Residential Rental License, on not less than five (5) days notice to the licensee and an opportunity for a hearing, whenever the Clerk finds that the licensee has failed or refused to correct any violation of any law or regulation applicable to the property, after reasonable notice and opportunity to take corrective action. Any person whose license has been suspended or revoked by the City Clerk shall be entitled to an appeal to the Mayor as provided in § 5.02.100 of this Code.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED this 14th day of November, 2006

VOTE:

AYES: 6

NOES: 0

ABSENT: 1

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Chapter 1

WHAT IS THE CRIME FREE MULTI-HOUSING PROGRAM?

WHERE IT BEGAN

The CRIME FREE MULTI-HOUSING PROGRAM began in Mesa, Arizona in July 1992. It has spread across the United States and to Canada in a very short time. It was designed to be law enforcement driven.

HOW IT WORKS

The CRIME FREE MULTI-HOUSING PROGRAM is a unique, three-phase certification program for rental properties of all sizes, including single family rental homes. The first phase is the completion of an eight-hour program taught by attorneys, police and fire personnel. Frequently, guest speakers will also attend to address specific topics relating to rental properties. This police-sponsored program is designed to be very easy, yet extremely effective, at reducing criminal activity in rental properties.

The CRIME FREE MULTI-HOUSING PROGRAM addresses these topics:

- Understanding Crime Prevention
- C.P.T.E.D. Concepts
- The Application Process
- Common Sense Self Defense
- Community Rules/Leases
- Apartment Communities/Not Complexes
- Active Property Management
- Combating Crime Problems
- Police: To Serve and Protect?
- Partnership with the Fire Department
- Dealing with Non-Compliance

Typically, the CRIME FREE MULTI-HOUSING PROGRAM is taught during a single eight-hour day. We will also, on occasion, sponsor Saturday and evening sessions. The program is designed to be flexible so that we can meet the needs of our community.

WHO SHOULD ATTEND

Property owners, managers, leasing staff, maintenance personnel and others in the management team should attend the entire 8-hour training program. It is also recommended that police officers attend the training to understand the civil nature of rental communities, and to establish a rapport with managers of rental properties.

PHASE ONE: TRAINING

After completion of the eight-hour training program, each participant will receive a **green certificate** that has been signed by the Director of Police. The certificate is also signed by the program coordinator of the CRIME FREE MULTI-HOUSING PROGRAM, who sponsors the training.

This certificate is to be immediately framed and displayed in the leasing office, or in a prominent place where applicants are sure to see it. Small property owners (without an office) are encouraged to utilize a binder to present information to prospective tenants. **Prospective residents should be told as soon as possible that the property management is working with the police** to keep the community healthy. If there is no leasing office, a certificate can be displayed in a 3-ring notebook with other materials used in the CRIME FREE MULTI-HOUSING PROGRAM. The manager or owner should show the notebook to prospective residents.

Participating managers should also begin immediate implementation of the Crime Free Lease Addendum, which is the backbone of the CRIME FREE MULTI-HOUSING PROGRAM. This addendum to the lease cites specific actions that will be taken by management if a resident, or somebody under the resident's control, is involved in illegal or dangerous activity on or near the rental property.

If the management is conducting a background check that includes credit and criminal information, the applicant should be informed before they turn in the application or pay any fees or deposits. Every prospective resident must be treated exactly the same as the others. It is important to develop office policies to ensure this.

PHASE TWO: C.P.T.E.D. INSPECTION (for apartment and condo communities)

In the second phase of the program a representative of the police department will inspect the apartment or condo community to assess physical security and general appearance of the property. If the property meets the agency's requirements, management will be given a second certificate signed by the Director of Police.

This **red certificate** will certify the property has met (or has implemented a timetable to meet) the minimum-security recommendations of the CRIME FREE MULTI-HOUSING PROGRAM. The minimum-security recommendations are:

C.P.T.E.D. SECURITY RECOMMENDATIONS:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

PHASE THREE: SAFETY SOCIAL (for apartment and condo communities)

In the third and final phase of the program, the sponsoring law enforcement agency will conduct a Safety Social for residents at the rental property. This will include information about general safety principles and crime prevention, including Neighborhood Watch information. This will also give law enforcement the opportunity to explain the CRIME FREE MULTI-HOUSING PROGRAM to the residents of the rental community.

Management may choose to provide food, non-alcoholic drinks and entertainment to add to the success of this event. It is also recommended that property managers raffle door prizes as an added incentive to draw residents to the meeting. **It is necessary to conduct at least one (1) meeting per year to maintain membership** in the CRIME FREE MULTI-HOUSING PROGRAM.

A **blue certificate** will be issued at the Safety Social to demonstrate to the residents that management is committed to the Crime Free Multi-Housing Program, and has completed all three (3) phases of the program.

FULL CERTIFICATION (for apartment and condo communities)

Once fully certified, the property manager will receive a **gold certificate**. (This certificate is the only certificate that has an expiration date. It is renewed each year after the subsequent Safety Social has been conducted.)

After completion of the first safety social, management can post the CRIME FREE MULTI-HOUSING PROGRAM signs on the property. It is recommended that one sign be posted at each entrance to the property where prospective residents will see them.

SIGN REGISTRATION

There may be minimal one-time registration fee for each sign (to cover costs). **The use of the sign is granted by the City of Oak Forest** and permission to display the sign can be revoked if the property is sold.

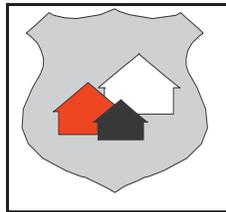
We Have Joined
The
**OAK FOREST
CRIME FREE
MULTI-
HOUSING
PROGRAM**



An added incentive to reach full certification is being granted permission to use the logo of the CRIME FREE MULTI-HOUSING PROGRAM in all appropriate advertisements, as well as on company letterheads, business cards and associated paperwork.

This logo has achieved a very high level of recognition in the United States and Canada. It has proven very effective in attracting honest residents looking for safe housing. It has worked equally well to discourage those looking for an apartment unit in which to conduct criminal activities.

Copyrighted LOGO



International Crime Free Multi-Housing Program

PHONE-IN REQUESTS

An additional advantage to being fully certified is that people can call the police department for a list of fully certified properties.

MAINTAINING CRIME FREE SIGNS

It is the responsibility of the management to maintain and replace all lost or damaged signs. Contact the Crime Free Program Coordinator if this occurs. Carefully consider how each sign is installed to prevent easy removal. Through bolts can be bent or stripped to prevent removal. Signs can be attached with liquid nails and/or bolted to a building at a height that cannot be easily reached.

Chapter 2

CRIME PREVENTION

DOES IT WORK?

Many people feel helpless against crime, because too often crime is seen as an inevitable part of our society. It has been said, "If a criminal WANTS to get you, he'll get you!" This belief leads to helplessness, fear and apathy. Apathy is one of the most dangerous elements in society today. When law-abiding citizens refuse to go outside after dark, they have voluntarily turned over their neighborhoods to the ones perpetrating crimes.

Criminals Are Like Weeds

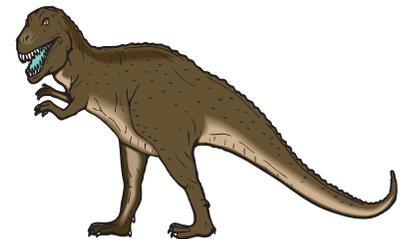
Many times a community will not battle crime because they feel they cannot be successful. Often, people view dangerous criminals like a large rock that cannot be moved, or even be budged. Dangerous criminals are NOT like rocks; they are more like plants. Unlike an



inanimate rock, a plant will grow. A weed can best illustrate this. As a weed grows, it roots, it sprouts and it chokes out healthy plants. A single weed quickly overtakes an entire garden. When criminal activity is allowed to flourish, the effect is the same.

The typical police approach to crime is **REACTIVE**. Once a crime has been committed, the police officer responds, writes a police report and begins the preliminary investigation. It is certainly more humane and cost effective to prevent a crime from even occurring. Crime Prevention is the **PROACTIVE** side of law enforcement. Crime **Prevention** is more desirable because it addresses the potential for crime before it becomes a serious problem.

Unfortunately, many people don't address crime situations until it is too late. (A good example is the victim of a burglary who suddenly becomes interested in home security systems.)



Once a crime problem has gotten too large, it is often easier to run away than face it. Equate the crime problem to killing a dinosaur. The easiest way to kill a dinosaur is while it is in the egg. Once the dinosaur is given the opportunity to grow, it will become progressively harder to defeat. The same is true regarding criminal activity.

UNDERSTANDING CRIME PREVENTION

To prevent crime, you need to understand crime, and you need to understand the criminal mind. When you think of criminals, think of predators. Most criminals are like predators, looking for easy victims.



When you think of predators you might think of the lion. When the lion is hungry, she will go out to stalk her prey. The lion knows the watering hole is a good place to find food, as this is where all the animals come to get water.

3% - 5% OF SERIOUS HABITUAL OFFENDERS ARE RESPONSIBLE FOR A MAJORITY OF VIOLENT OFFENSES.



The lion is a skilled hunter. She knows the best approach is from downwind. This way she can smell the herd, but they cannot smell her. The lion is also careful to approach slowly, staying low in the tall grass to avoid detection.

At just the right moment, the lion pounces into the herd. The lion does not run past the injured, the diseased or slowest ones in favor of the strongest one at the lead of the pack. In fact, it usually is the one that is injured, sick or simply NOT PAYING ATTENTION that gets attacked. This is called *survival of the fittest* or *thinning the herd*.

The two-legged urban breed of predator, the criminal, works the same way. They stalk their victims, looking for the easy prey. To be successful against an attack, you don't necessarily have to be the strongest one, but you don't want to be the weakest!

Lions only hunt when hungry; but criminals are always a danger. This is why crime prevention is so important. Crime prevention is a shared responsibility. It cannot be imposed upon a community. Crime is a community problem -- crime prevention must be a community effort.

RISK (LOSS) MANAGEMENT

When assessing the potential for crime, it is important to decide whether to accept the risk (risk acceptance), without investing in counter measures, or to take sometimes costly steps to reduce the risk (risk transference). Transferring the risk may involve spending a little money now to save much more later on.

There are other less expensive ways to prevent crime. This includes the removal of the elements necessary for a crime to occur (risk avoidance). There are also ways to reduce the risk, or spread the risk to reduce losses. The following page demonstrates the types of risk management.

MANAGING YOUR RISKS

1. SEVERAL TYPES OF RISK MANAGEMENT:

2. RISK AVOIDANCE:

3. RISK REDUCTION:

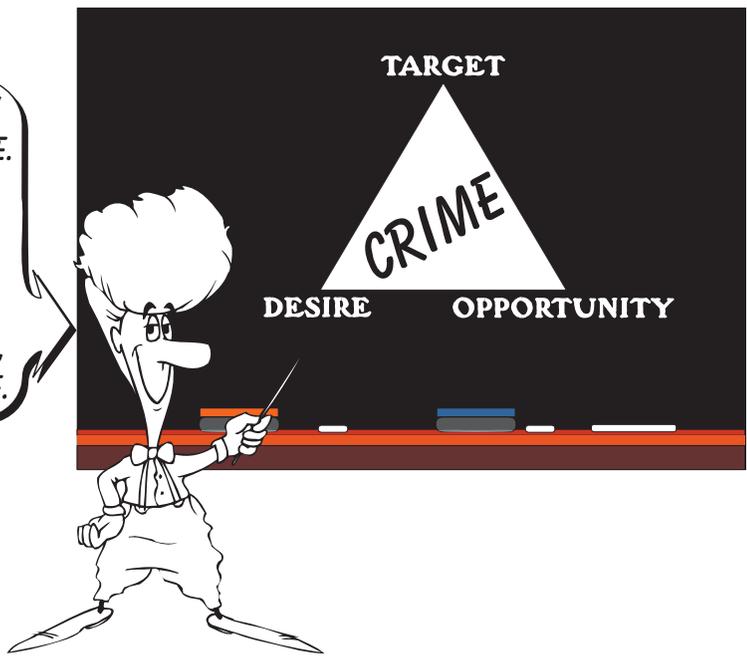
4. RISK TRANSFERENCE:

5. RISK SPREADING:

6. RISK ACCEPTANCE:

THERE ARE 3 NECESSARY ELEMENTS TO ANY CRIME. TARGET, DESIRE AND OPPORTUNITY.

IF YOU ELIMINATE JUST ONE OF THE 3 ELEMENTS, YOU CAN AVERT A CRIME.



SCENARIO ONE
(Eliminate TARGET)



If a car thief comes to an apartment community to steal a Corvette, the **DESIRE** is there. If all of the residents are inside their rental units, now the **OPPORTUNITY** is there. But if there is not a Corvette on the property, you will not have a crime because there is no **TARGET**.

SCENARIO TWO
(Eliminate DESIRE)



If a person sees a Corvette, the **TARGET**, and all of the residents are in their apartments, allowing the **OPPORTUNITY** for crime, but the person who sees the Corvette has no **DESIRE** to steal the car, again, you will have no crime.

SCENARIO THREE
(Eliminate OPPORTUNITY)



If a person comes to the property with the **DESIRE** to steal the Corvette, and sees the perfect **TARGET**, but the residents of the apartment community are out in the recreation and common areas, this will reduce or eliminate the **OPPORTUNITY**.

The **CRIME FREE MULTI-HOUSING PROGRAM** is effective because it addresses all three (3) elements: **TARGET, DESIRE AND OPPORTUNITY**. To eliminate the **TARGET**, we teach how to “target harden”. To eliminate **OPPORTUNITY**, we train residents to be the “eyes and ears” of the community, and to eliminate the **DESIRE**, a concerted effort is made to keep those with criminal intent from trespassing, visiting or living at the property.

SET RULES

If a person knows that rules are clearly stated and enforced, they are less likely to move into a community to commit criminal activity.

By careful screening and active management principles addressed in the CRIME FREE MULTI-HOUSING PROGRAM, the criminal activity among residents and visitors can be greatly reduced if not virtually eliminated.

Safety Socials, which incorporate the principles of Neighborhood Watch, will encourage residents to become an organized group of eyes and ears for the property. Although safety socials (Phase 3) are utilized when an entire apartment community or condo association moves toward full certification, the small property can also support this concept. You can foster good will and show your care for the community by assisting with organizing a Neighborhood Watch program in the neighborhood where your rental property is located. Is this a waste of time or a **smart investment** of your time? Why not protect your property (your investment)? Sounds like a wise idea!

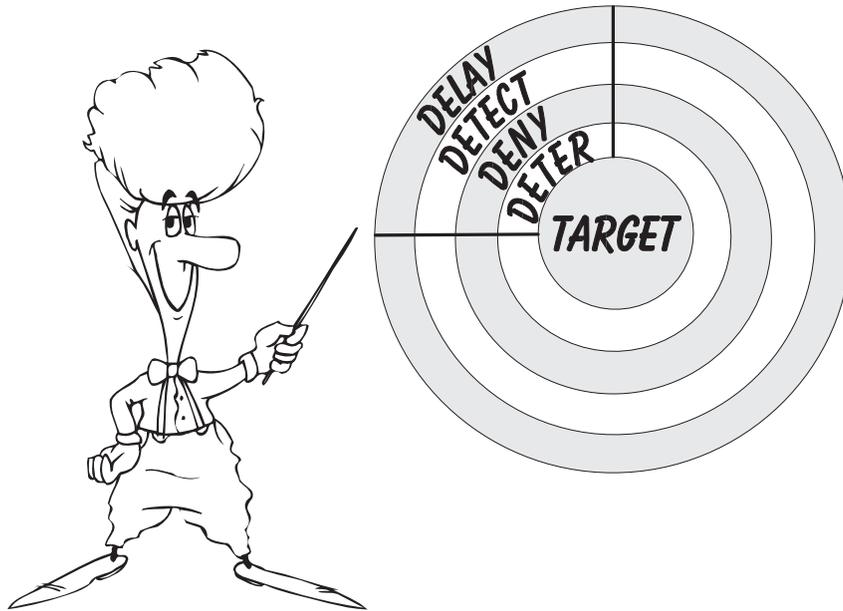
It is not uncommon to see once distressed properties show a 70% - 90% **decrease** in police calls for service, as a result of the CRIME FREE MULTI-HOUSING PROGRAM.

TARGET HARDENING

Sometimes you cannot remove a target. However, you can harden the target. Target hardening involves the use of locks, electronic devices, or other hardware that will **DETECT, DENY, DELAY** or **DETER** the criminal (away from the intended target). Target hardening is directed to all structures, vehicles and personal property within the rental community.

- **DETECT:**
By utilizing good security techniques, you can cause the person to make more noise, which will **increase the risk of detection**. This may also persuade the person not to commit the crime.
- **DENY:**
By engraving valuables, using security electronic equipment, or by moving other valuables out of view, you can **remove the rewards received from a crime opportunity**. If the rewards are not there, this may persuade the person not to commit the crime.
- **DELAY:**
Many times crimes are committed because of an easy opportunity. By using good crime prevention techniques you can **increase the time and effort needed to commit the crime**. This may persuade the person not to commit the crime.
- **DETER:**
By utilizing the previous three techniques, you may prevent a crime from happening by **deterring the criminal from entering or remaining the property** and cause them to seek an easier target elsewhere.

HOW THE 4-D's WORK



MANAGING CRIME PROBLEMS

1. How to encourage crime:

2. How to discourage crime:

COMMON SENSE SELF DEFENSE

AWARENESS IS THE KEY

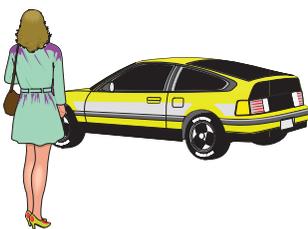
Most crimes can be prevented if there is careful consideration given to measures proven to reduce the likelihood of criminal activity. It is important to assess the types of crimes that have occurred on the property, as well as crimes that have been committed on similar properties. To discount the possibility of crime because "It has never happened before" is not using good sense.



It is imperative to understand the potential for many crimes exists and that steps to prevent those crimes should be taken before they occur. Many times, crime prevention involves keen awareness of the surrounding area, and that doesn't cost a lot of money. Using a buddy system after hours is one inexpensive way to reduce the likelihood of an attack.

WORKING AFTER DARK

When working late, it is a good idea to have another person in the office or nearby. A person walking to a car alone is much more likely to be attacked than a person who is walking with somebody else. There is strength in numbers! When showing your condo or rental home, bring a friend with you.



If a person must walk out to their car alone, it is a good idea to have the car as close to the office as possible, reducing the walking distance. Whenever possible, employees (especially employees who may leave after dark) should be given assigned parking spaces closest to the office area, or be allowed to move their vehicles closer before it gets dark.

If this is not possible, assign an area as close as possible which has excellent security lighting that cannot be easily disabled. It is also essential, when trimming bushes or trees, to keep in mind the casual observers who may live or be visiting in the general area. Keeping bushes and trees trimmed and/or removing any objects that may block surveillance of the area or offer a hiding place for an attacker will also allow the casual observer an open field of vision into the area.

EMPLOYEE TRAINING PROGRAMS

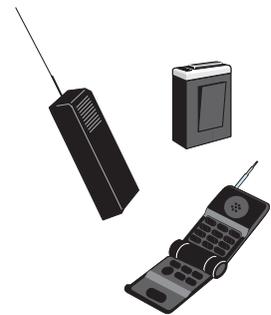
Employees should receive training to prepare themselves for all types of crime situations. Typically, police departments will offer free classes that deal with common sense self defense. There are also private firms that can take the training one step further, even offering chemical sprays or other devices to discourage an attack.



When working alone in an office an employee should be certain that all doors and windows have been secured. It is a good practice to notify another person when working late as well. There should be a telephone nearby, should they need to call the police or another person for assistance.

STAY IN TOUCH

Cellular telephones and two-way radios are another good way to stay in touch, not only when someone is in the office, but when they have to step out for a moment as well. Pagers are another good way to summon help from maintenance people or grounds keepers. Many property managers have established special codes that can be entered into digital pagers to quickly identify problem situations that may occur.



ARMED ROBBERY PREVENTION



Armed robbery is a serious concern not often recognized by property managers or leasing staff. It is not uncommon for managers to collect thousands of dollars during the first part of the month. Keep in mind, an armed robber will kill a convenience store clerk for \$50.00 in cash. Many property managers keep much more than this available in the form of petty cash alone.

Earlier, we addressed Risk Management and the option of Risk Acceptance, or accepting the risk. In this case, Risk Transference would involve transferring that risk by purchasing a good safe with a special courier service.

Risk Spreading is a third option in risk management. This involves keeping money in different locations, so even if one safe area is found, the money in other safe areas may go undetected. Another way to spread the risk is to make frequent deposits with smaller amounts per deposit.

Risk Avoidance is a fourth option. Make a "No Cash Accepted" policy in the office. This can

also help to prevent internal theft and embezzlement, by avoiding a situation entirely.

At the very least, property managers should place signs in highly visible areas that say the management will not accept cash and they keep no cash on the premises. Recommended areas are at the front door and at reception or desk areas.

The potential for an armed robbery is not only in the office, but at the night drop as well, and everywhere in between. The potential for the money to be left behind, dropped or stolen is considerably high. The risk to employees who carry the money may be even higher.

*TOO OFTEN A WOMAN IS
RAPED WHILE SHOWING A
RENTAL UNIT.*

*SET POLICIES TO REDUCE THE
POSSIBILITY OF AN ATTACK.*



(See next page for an example of a Staff Safety Policy)

MEMO

CRIME FREE ACRES STAFF SAFETY POLICY

TO: All Employees

FROM: Molly Manager

- All applicants shall be **required to show a state issued or military photo identification card**. This card shall be photocopied and placed in a secure place while the applicant looks at the unit. The identification will be returned immediately afterwards.
- Property managers and agents shall require the applicant to **complete a Guest Information Card** in the applicant's own handwriting. This should include their current address and phone number. (This policy should be posted as well.)
- Property managers and agents shall **notify another person about the showing** before you go and tell them what time you expect to return. If, for whatever reason, you feel in danger, do not take any risks! Trust your instincts! Reschedule the showing for another time when you are more comfortable.
- When showing an apartment to a prospective resident, allow them to enter first. **Position yourself by the nearest exit**. Leave the door open wide until you leave, but be aware for suspicious people lurking outside the unit. NEVER follow the prospect into another room. **If you feel threatened, leave immediately** and call for help.
- Always **keep vacant apartments or model units well secured**. When entering vacant a unit by yourself, lock the door behind you. It is a good idea to carry a radio or cellular phone with you. If possible, have a staff member accompany you when you make your appointed rounds.
- At the very least, agents should **consider carrying a whistle, personal alarm or self-defense spray**, and know the hazards and limitations of whichever method they choose. Self-defense classes may be another option to consider.
- Report all suspicious activity** to police and management immediately!

(It is a good idea to have a written policy posted where all applicants will see it.)

Chapter 3

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

C.P.T.E.D. ELEMENTS

Crime Prevention Through Environmental Design (C.P.T.E.D.) is comprised of four (4) key elements: **Surveillance**, **Access Control**, **Territoriality**, and **Activity Support**. Using C.P.T.E.D can eliminate a substantial amount of property crime.

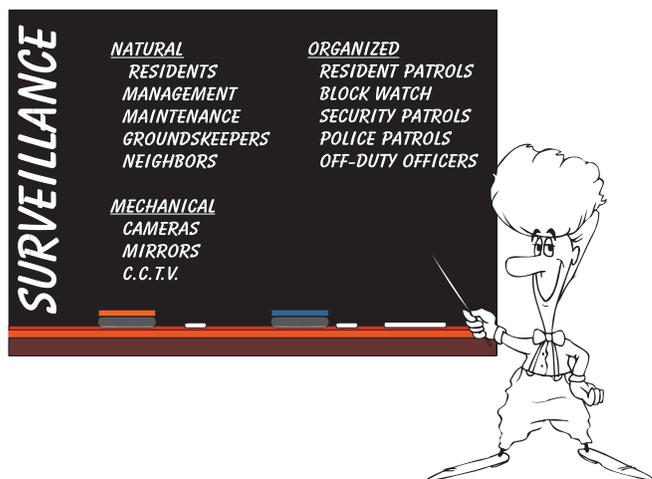
IMPROVE SURVEILLANCE

SURVEILLANCE is the first element of C.P.T.E.D. **Surveillance is the ability to look into an area, and the ability to look back out.** It can be formal or informal. **Formal surveillance** is generally organized, while **informal surveillance** is naturally occurring. **NOTE: You should observe your property from all locations, keeping in mind whether you can see into and out of the property. Keep in mind that residents and staff are formal surveillance partners, and that neighbors or visitors to your property will conduct informal surveillance of your property. Remove anything that hinders surveillance.** There are three types of surveillance to consider. *Natural, Mechanical and Organized.* The best plan will involve some combination of all three types of surveillance.

Natural Surveillance is naturally occurring. As people are moving around an area, they will be able to observe what is going on around them, provided the area is open and well lighted. Natural Surveillance is typically free of cost, but observers should choose not to get involved in any situation that may pose a potential threat to themselves or others.

When considering surveillance of your property, remember that casual observers from neighboring properties might be willing to report suspicious activity. All you need to do is ask! It is a great idea to ask them to join with your Neighborhood Watch meeting and safety socials.

Mechanical Surveillance employs the use of cameras, mirrors and other equipment that allows an individual to monitor a remote area. Mechanical





*VISIBILITY OF RESIDENTS
& RESIDENTS' ACTIVITIES ARE
PERHAPS THE GREATEST
DETTERRANT TO CRIME.*

*BY PUTTING COMMON AREAS
AND OTHER ACTIVITIES CLOSER
TO UNSAFE AREAS, THE LESS
LIKELY YOU ARE TO HAVE A
CRIME.*

Surveillance usually involves the purchase of equipment ranging from moderately inexpensive mirrors to more expensive electronic devices, such as closed circuit television (CCTV). Additional questions to ask yourself, “Are they effective only when being monitored” and “Do they provide a false sense of security”?

NOTE: Once the equipment is purchased, maintenance of the devices must be considered.

Organized Surveillance includes security patrols and other people who are organized to watch a targeted area. While this is the most effective deterrent to crime, it is also the least cost effective. While it may be necessary to employ security patrols, once the patrols are discontinued there is generally nothing left to show for your investment.

IMPROVE ACCESS CONTROL

ACCESS CONTROL is the second element in C.P.T.E.D. Because many criminals look for an easy escape, **limiting access into an area and back out again is a great way to deter criminal activity**. Access Control can be demonstrated by having one way into and out of a location, such as a security post or the use of mechanical gates. Others, who use alternative methods to enter an area look suspicious, risk detection and sense an increased risk of apprehension.

It is important to assess how the intended users are entering the property. It is equally important to assess how the non-intended users are entering the property as well. Look at perimeter fencing for damage. Look for footprints in the dirt and gravel. Check for wear patterns in grassy areas. Determining the weak points will be the first step to correcting the problem.

There are three (3) types of Access Controls to consider: *Natural (or Environmental)*, *Mechanical* and *Organized*.

NATURAL/ENVIRONMENTAL	MECHANICAL	ORGANIZED
<ul style="list-style-type: none"> • MEDIUM-HEIGHT BUSHES • CACTUS BY FENCES • DIRT BERMS • LARGE ROCKS • DESIGN WALKPATHS & SIDEWALKS APPROPRIATELY 	<ul style="list-style-type: none"> • SECURITY GATES • CARD READERS • PIN NUMBERS • REMOTE CONTROL • SECURE UNITS • DEADBOLTS/WINDOW LOCKS • DRIVEWAYS (LOW FENCES) 	<ul style="list-style-type: none"> • SECURITY GUARD BOOTH • RESIDENT PARKING PERMITS • RESIDENT PATROLS

Natural / Environmental Access Control involves the use of the environment. To keep trespassers from climbing over walls for instance, you could use thorny type plants in the area where they will be highly visible. The use of dirt berms or large rocks can also keep unwanted visitors from entering onto private property and vacant lots.

Mechanical Access Control includes the use of security gates, which have proven very effective at reducing auto thefts, burglaries and drive-by shootings. Most perpetrators of these

crimes do not want to exit the way they entered as it gives witnesses the opportunity to record license plates and get better suspect information.

Organized Access Control entails the use of security or courtesy patrol to monitor those entering the property. Distribution of parking permits, affixed to registered vehicles, will identify which vehicles belong to the residents. **Vehicles should not be allowed to back into parking spaces, so that parking permits will be visible at all times.**

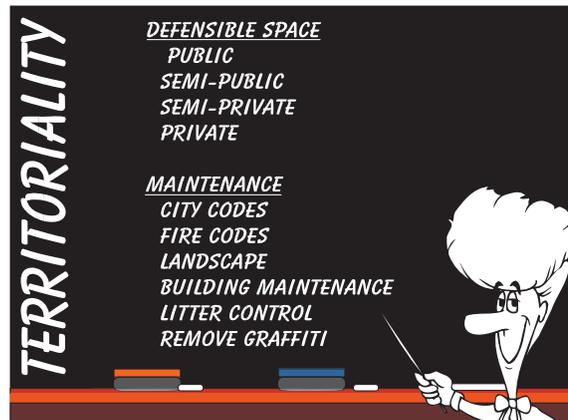
IMPROVE TERRITORIALITY

TERRITORIALITY is the third element in C.P.T.E.D. Territoriality is a psychological impression that people get when they look at the property. If management displays good territoriality, it will influence the community to respect the property as well. Good territoriality demonstrates a sense of ownership, alerting potential offenders that they don't belong there and they will be seen and reported, because undesirable behavior will not be tolerated. **It has two (2) principle components: Defensible Space and Maintenance.**

Defensible Space is divided into four (4) categories: Public, Semi-public, Semi-private, and Private.

1. **Public** areas are typically the least defensible. A car driving on a public street would not automatically arouse suspicion.
2. **Semi-public** areas might include a cul-de-sac. If there are only five homes in the circle, a driver would be expected to stop at one of the five homes or leave the area.
3. **Semi-private** areas might include sidewalks or common areas around residential areas. While most people may not confront a stranger in a common area, they are likely to call the police if the person does not appear to belong there.
4. **Private** areas are different in rental communities than in single-family home neighborhoods. In a typical apartment the private area may not begin until you actually enter into the unit. This is especially true if several units share a common balcony or stairways. In a single-family home neighborhood, many owners consider their front yard to be private or defensible space.

There are many ways to establish defensible space. By planting low growing hedges or bushes, you will show a defined property line. By posting signs such as "No Trespassing" or "No Soliciting", you have established the area as defensible space.





*INCREASING A RESIDENTS
OWNERSHIP & CONTROL OF
AN AREA WILL ENSURE A HIGHER
LIKELIHOOD OF SUCCESS WITH
CRIME PREVENTION PROGRAMS.*

*INCREASE DEFENSIBLE SPACES
TO DECREASE CRIMINAL
ACTIVITIES.*

Maintenance is another key issue for Territoriality. Properties that are clean and well maintained are more likely to attract residents who take pride in their community. This also promotes confidence in the management team.

If you and a resident agree to improvements or repairs on the rental unit, make sure the details are in writing and signed by both parties. The landlord must approve all improvements to the property ahead of time. If the tenant expects to be reimbursed for materials and/or labor, this is especially true. Keep receipts and records of the time and money spent.

IMPROVE ACTIVITY SUPPORT

ACTIVITY SUPPORT is the fourth element in C.P.T.E.D. This involves the appropriate use of recreational facilities and common areas. The objective is to **fill the area with legitimate users so the abusers will leave.**



It may be difficult to believe that filling an area with legitimate users will cause the deviant users, or abusers, to leave. But the opposite is also true. If you fill an area with deviant users, the legitimate users will withdraw.

To promote Activity Support, utilize common areas effectively. By incorporating gazebos, picnic areas and other amenities into open areas, the legitimate users will maintain ownership of the property. Small property owners/managers can encourage their tenants to utilize community facilities and parks.

In recreational areas, utilize proper lighting techniques and establish community rules to encourage the proper and safe use of the facilities. Unobscured visibility for the intended users of laundry facilities, exercise and game rooms is of paramount importance.

TROUBLESHOOTING

When you consider an area, ask yourself:

-
-
-

Also ask yourself:

-
-
-

THE 3 “D” CONCEPT OF C.P.T.E.D.

1. D

2. D

3. D

CONFLICTS WITH C.P.T.E.D. CONCEPTS

SURVEILLANCE	ACCESS CONTROL
<p><i>Concept:</i></p> <p><i>Conflict:</i></p> <p><i>Solutions:</i></p>	<p><i>Concept:</i></p> <p><i>Conflict:</i></p> <p><i>Solutions:</i></p>
TERRITORIALITY	ACTIVITY SUPPORT
<p><i>Concept:</i></p> <p><i>Conflict:</i></p> <p><i>Solutions:</i></p>	<p><i>Concept:</i></p> <p><i>Conflict:</i></p> <p><i>Solutions:</i></p>

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

C.P.T.E.D. LIGHTING

Lighting by itself does not prevent crime. Many times cars are burglarized while parked under a light. Lighting provides the **opportunity for choice**; the choice to walk forward because you can see clearly that the path is **clear** AND free of danger. **IF** the user can see a potential danger (person hiding, a gang of kids at the corner), they may choose to walk a different way. Lighting can illuminate a target as easily as it provides a legitimate user the ability to see a potential threat or criminal.

Lighting is a powerful tool that management and residents can use to control and reduce the fear of crime as well as the opportunity for crimes to occur.

Unless you have formal or informal surveillance of an area, lighting may not always prevent crime. In fact, good lighting without surveillance may actually encourage criminal activity in some cases.

GOALS OF LIGHTING

UNIT LIGHTING SHOULD BE:

- 5 Energy efficient (used consistently)
- 5 Non-tamperable (use special screws)
- 5 Break Resistant Lens (Polycarbonate-Lexan)

BUILDING LIGHTING SHOULD:

- 5 Illuminate building numbers
- 5 Illuminate building accesses
- 5 Illuminate front and back areas
- 5 Illuminate porch lights under control of building,
Not apartment user.

GROUNDS LIGHTING SHOULD:

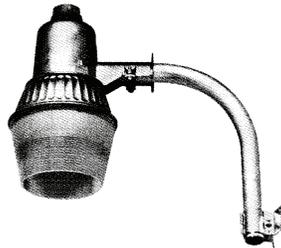
- 5 Provide a cone of light downward to walkways
- 5 Provide a level of lighting between buildings
to distinguish forms and movement.

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

TYPES OF OUTDOOR LIGHTING

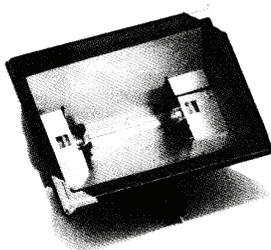
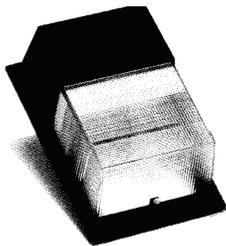
Energy-efficient lighting fixtures help you cut your electric bill. Plus, most products are easy to install because many models come pre-wired and pre-assembled. Each style comes with a lamp and you can also choose to add a photocell on some designs.

**Dusk-To-Dawn
High-Pressure Sodium**
150 watt



**High-Pressure
Sodium Flood**
150 watt

**High-Pressure
Sodium Wall Light**
70 watt



**Quartz Light Metal
Halide**
500 watt

TYPES OF LAMPS

High Pressure Sodium, Metal Halide, Mercury Vapor and Self-Ballasted Mercury Lamps are all high-intensity electric discharge lamps. Except for self-ballasted lamps, auxiliary equipment such as ballasts and starters must be provided for proper starting and operation of each type, in accordance with American National Standards Institute (ANSI) specifications.

Low Pressure Sodium lamps, although technically not high intensity discharge lamps are used in many similar applications. As with HID lamps they require auxiliary equipment for proper starting and operation. These lamps, which have efficacies up to 200L/W, have a mixture of neon and argon gas plus sodium metal in the arc tube and an evacuated outer bulb. When voltage is applied to the lamp the arc discharge is through the neon and argon gas. As the sodium metal in the arc tube heats up and vaporizes, the characteristic yellow amber color of sodium is achieved.

Nominal Wattage of Lamps

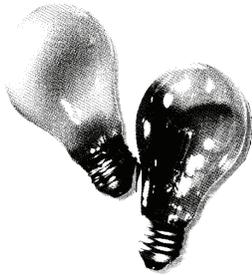
Lamp wattage varies during life, because of ballast and lamp characteristics. Ballast data should be reviewed for actual wattage levels.

Voltage Control

An interruption in the power supply or a sudden voltage drop may extinguish the arc. Before the lamp will re-light, it must cool sufficiently, reducing the vapor pressure to a point where the arc will re-strike with available voltage. Instant re-strike lamps re-strike immediately with the resumption of power providing approximately 5% of steady state lumens and a rapid warm-up. Other lamps require approximately one minute cooling before re-lighting. Still other HID types take 3 to 20 minutes, depending on type of lamp and luminaire.

Incandescent Bulbs

Supreme incandescent bulbs are rated at 5000 hours compared to 750 for regular bulbs. Cooler burn with 85% longer lamp life. Withstands voltage fluctuations, and its brass base offers reduced socket freezing. Frosted or clear, available in watt varieties.



Fluorescent Tubes

Cast cool, bright, economical light indoors.



Pictured: Circular, one of the many fluorescent tubes available.

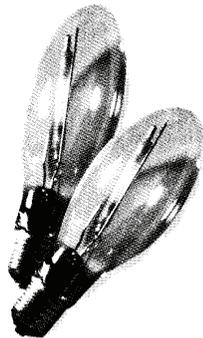
Flood Light

One-piece weatherproof construction with a brass base to reduce socket freezing. Cooler burn.



High Pressure Sodium

Hermetically sealed, this high-pressure sodium lamp offers 24,000 hours of dependable life. Built for outdoor uses, it absorbs wind and vibration, is insulated against high voltage pulses and has minimal freezing or rusting in the socket. Clear or coated. (For use in high pressure sodium fixtures only).



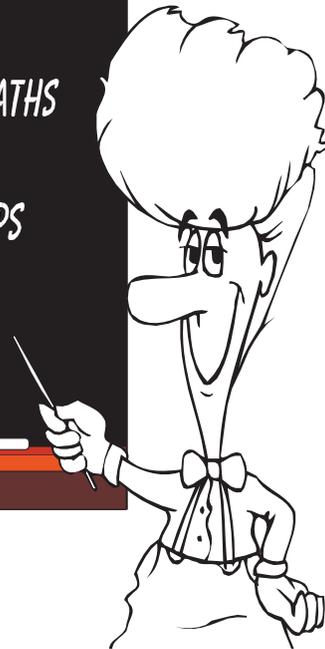
COLOR RENDERING

Another key performance characteristic, *color rendering*, is the ability of a light source to represent colors in objects. The relative measure of this ability is color rendering index or CRI which rates light sources on a scale of 0 to 100.

The higher the CRI, the more vibrant or close to natural the colors of objects appear. For example, a CRI of 0 would come from a source that provides light without color, much like a black and white television. A CRI of 100 would represent a source that has the rendering capabilities of incandescent light (for sources below 5000K) or Daylight \approx (for sources above 5000K). CRI is especially important when evaluating fluorescent and HID sources because they have a wide range of CRI's.

PROPER USE VARIOUS LIGHTS

- *METAL HALIDE: RECREATION AREAS, PARKING LOTS*
- *HIGH PRESSURE SODIUM: PARKING LOTS, COMMON AREAS*
- *FLUORESCENT: COVERED PARKING, PORCH LIGHTS, WALK PATHS*
- *INCANDESCENT: PORCH LIGHTS, INSIDE UNITS*
- *LOW PRESSURE SODIUM: DUMPSTERS, MAINTENANCE SHOPS*



SECURITY LIGHTING

1. Purposes of lighting.

2. Lighting terminology.

3. Three types of lighting.

PROS AND CONS

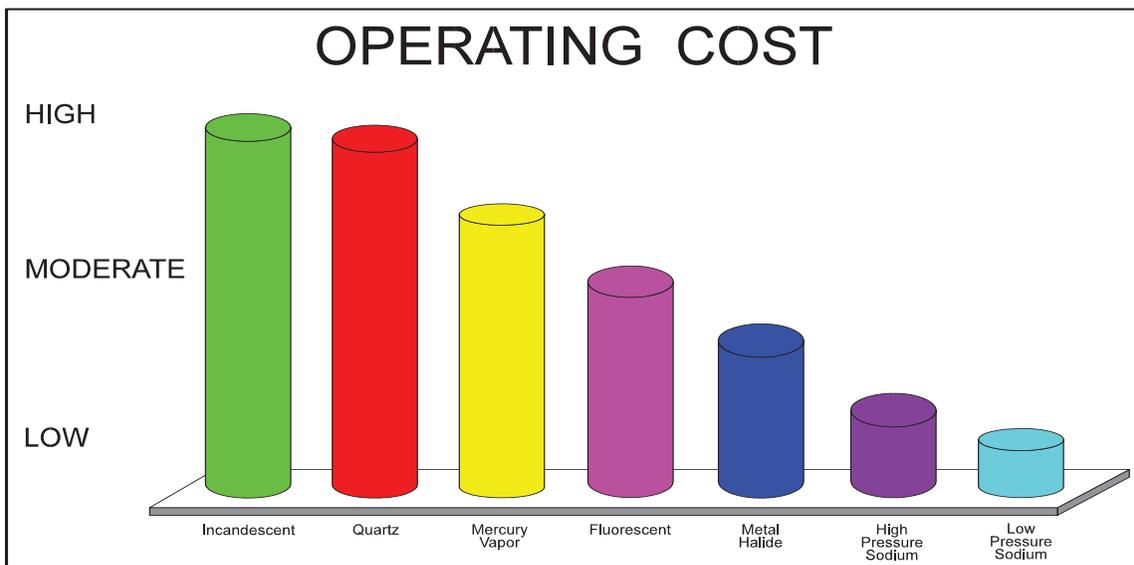
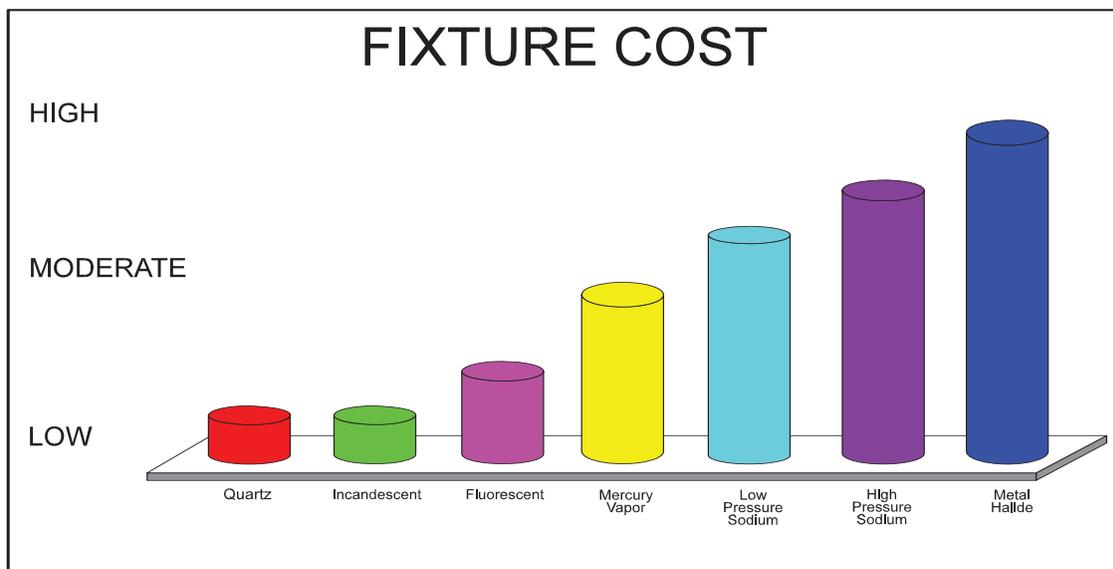
1. Type One:

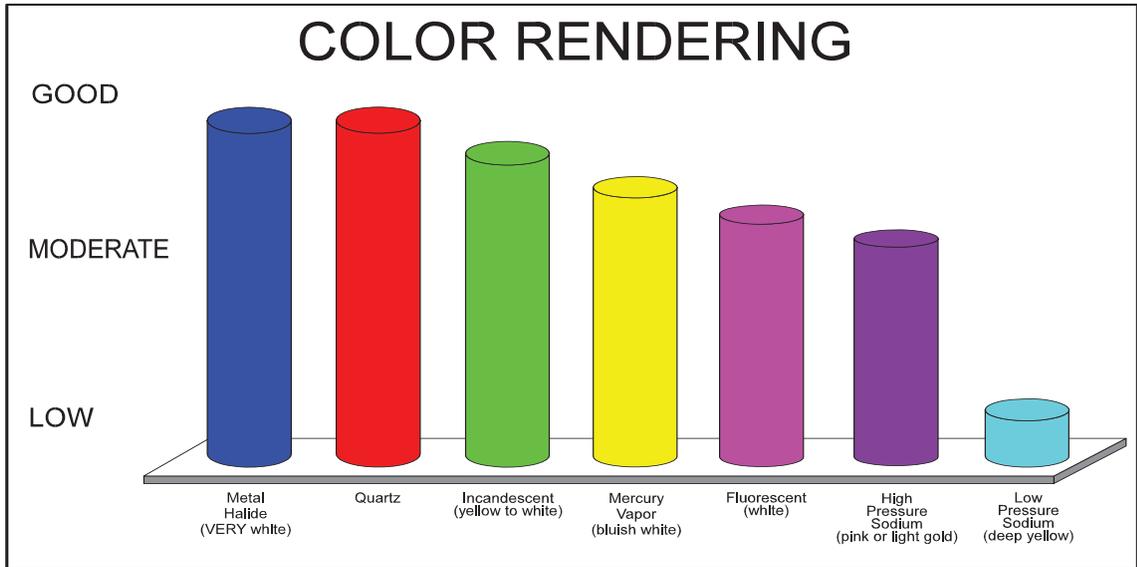
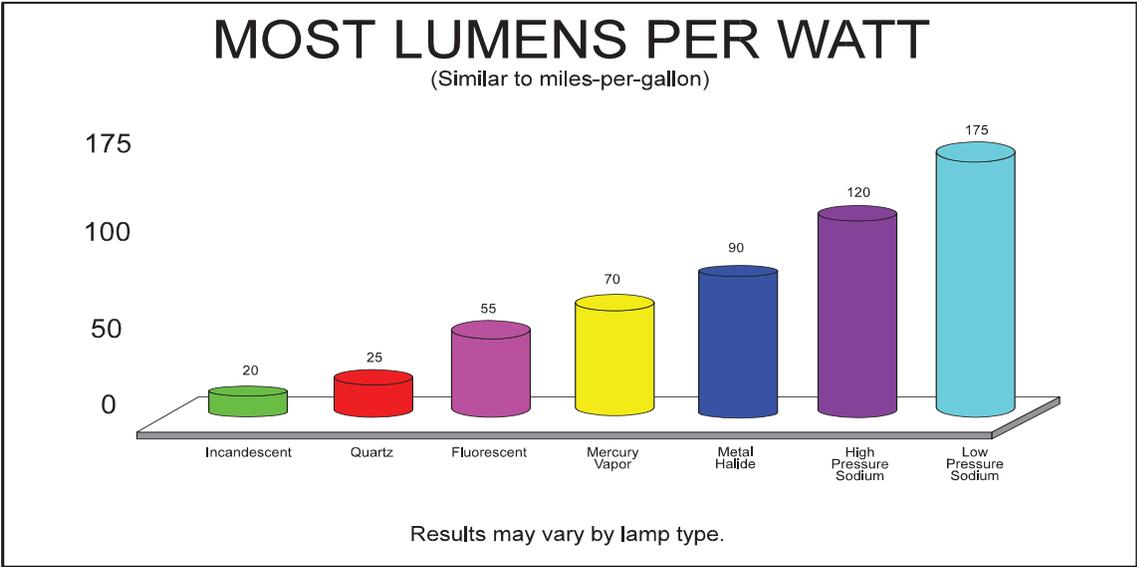
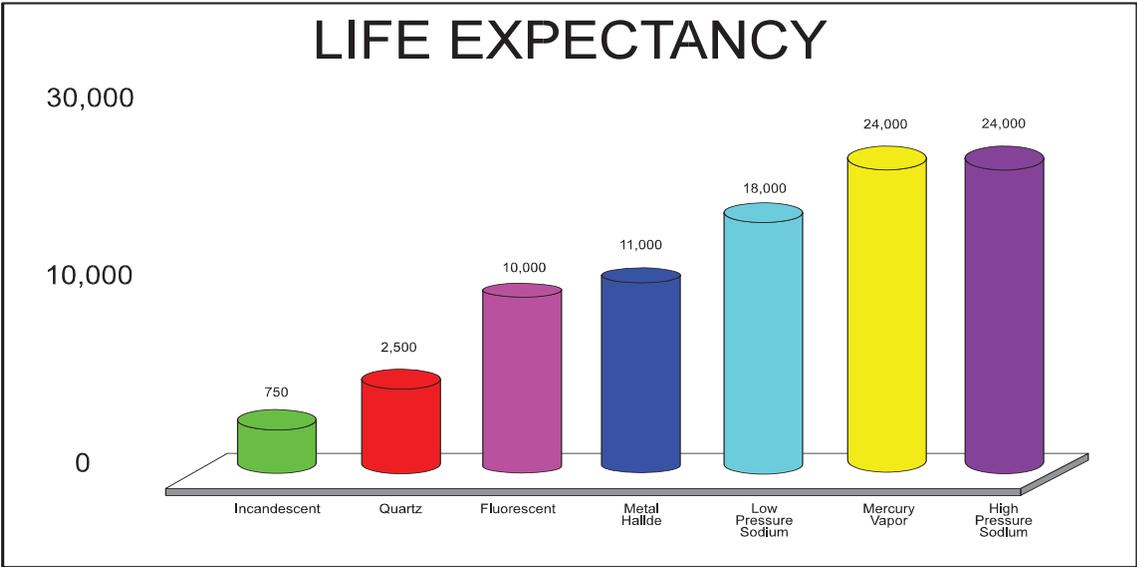
2. Type Two:

3. Type Three:

LIGHT and LAMP COMPARISON

While many lamps will offer varying degrees of efficiency and effectiveness, this is a general guide to discuss advantages and disadvantages with certain lamps. Contact a professional lighting consultant if you have any questions. Performance and costs may vary greatly from manufacturer to manufacturer. These charts are provided to show there are more considerations than just the cost of lighting.





ROUTINE PROPERTY INSPECTIONS

Management access to a rented apartment may be necessary to affect repairs or to inspect conditions (if you choose to employ such proactive management practices). Such entries should be specifically noted in the lease, lease addendum, or community rules. They should be clearly explained and understood by all residents as to the type of entry and the type of notice issued by management prior to such entry. Provide a specific time frame for notice prior to an inspection. Do not leave it vague or open to interpretation.

In some larger properties it may not be possible to inspect every unit on a quarterly or semi-annual basis, but for smaller rental properties it could be a valuable use of time. Routine property inspections should be conducted for all residents equally and fairly.

Routine inspections may be conducted for the purpose of replacing air conditioning filters or inspecting a property for damage, when reasonable grounds exist that a problem has occurred (such as roach infestation or water damage).

Inspections should never be conducted for the purpose of singling out a particular resident without cause. It should never be done for personal reasons or for retaliation on the part of the management.

If residents refuse to allow the manager or an agent to inspect the unit or any part of the unit, the manager may serve a ten-day notice for non-compliance. Residents can not install interior deadbolts or refuse you to inspect a part of the unit.

In an emergency situation, such as fire or water damage, a manager may enter the unit without serving notice to protect the property from excessive damage. If the manager has reason to believe a resident may be injured or ill, they may enter the unit to check the welfare of the resident if other attempts do not work.

PROPERTY MANAGERS DO HAVE A LEGAL RIGHT TO INSPECT THE UNITS, AND CANNOT BE DENIED ACCESS WHEN THE RESIDENT HAS BEEN APPROPRIATELY SERVED NOTICE.



GOOD PROPERTY MAINTENANCE

Building Maintenance - The building should have a bright colored paint to reflect ambient light. Keep it looking cared for.

Stairs/Balconies - Stairs & balconies should not have a cluttered appearance. They should appear clean and safe.

Courtyards - Keep trees and bushes trimmed. Maintain good lighting and litter control.

Common Areas - Laundry and recreational areas should be clean, well lit and promote a sense of safety.

Parking Lots - Maintain lighting, asphalt and signage. Paint speed bumps and fire lanes as necessary.

Perimeter Fencing - Inspect for damage to structures and repair immediately. Paint over graffiti ASAP (after making a report with the Schaumburg Police per village ord.).

Litter Control - All members of the management team should pick up litter or debris whenever they see it. Encourage residents to help keep their community clean.

IMPORTANT NOTICE- PLEASE READ!

(Sample Letter)

(DATE)

RE: Entering Apartments- (Name of Property)

Dear Residents:

We are pleased to announce that we are working with the Oak Forest Police Department to become part of the Crime Free Multi-Housing Program. As one of the steps in becoming certified, we have to conduct property inspections, which include apartment inspections. The apartment inspections will be as follows:

1. We will check for locking devices on all windows and doors on:
Tuesday, (DATE) between 9:00 a.m. and 5:00 a.m.
2. We will be entering the apartments on Wednesday, (DATE), inspecting from outside the unit in most cases. The Oak Forest Police Department will be us, but they will not enter any units unless invited by you to do so. The apartments chosen will be selected at random. Since the lighting is one of the items we will be looking at with the police department, our inspection will begin at **7:00 p.m. and go no later than 8:00 p.m. on Wednesday, (DATE).**

Please note, you do not have to be home for either inspection.

We appreciate your cooperation to help make (name of property) a great place to live! If you have any questions, please feel free to contact the leasing office.

Very truly yours,

Property Manager

Chapter 4

THE APPLICATION PROCESS

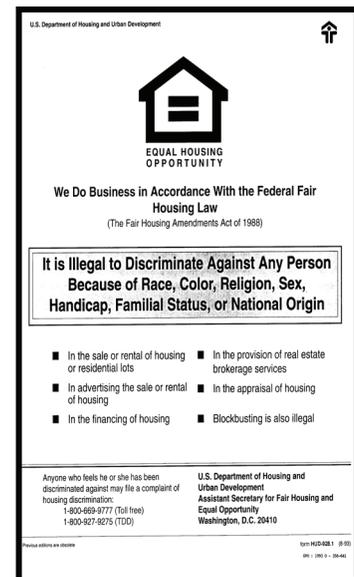
IT'S WORTH THE EFFORT

Property managers have differing views on how, or *if*, they should screen prospective residents. Some property managers have rigid guidelines established by their Management Company or owners. Other property managers may feel that calling references or checking prospective residents is not worth the effort. Remember, the many of the problems associated with a rental property can be tied to the tenants and your screening process. Nobody, good or bad, can move into your rental unit(s) unless you let them. To avoid discrimination in applicant selection, it's important to understand Fair Housing Laws.

WHAT ARE PROTECTED CLASSES?

Federal Fair Housing Laws strictly prohibit any discrimination against protected classes. Those protected classes may include these and others:

- race
- color
- religion
- sex
- handicap
- familial status
- national origin
- source of income
- sexual preference



What most people may not be aware of is that EVERYONE is in a protected class! Everyone has a race, a color, a sex and a national origin. No one can discriminate against an applicant based on their color, regardless of what color they are. No one can be denied residency based on their national origin, regardless of where they were born. (**NOTE:** You should keep an "Equal Opportunity Housing" sign in the office to remind prospective residents that you do not discriminate against those protected by the Fair Housing Laws.) **Additional information about the Federal Fair Housing Act is located at the end of this chapter.**

WHAT ABOUT NON-PROTECTED CLASSES?

While discrimination against non-protected classes is not necessarily illegal, it may not be profitable either. For example, a property manager may discriminate against pet owners (provided that the applicant is not dependent upon the animal for a particular disability), but not allowing pets may turn away a large number of applicants. Another example is the property manager who chooses to rent to only non-smokers. Here again, it may be legal, but it may not be profitable.

WHAT ABOUT CRIMINAL BEHAVIOR?

At this time it is not illegal to deny residency to an applicant based on their criminal history. Keep in mind, you should not deny an application on the basis of an arrest; but only on a conviction, guilty plea, plea of no contest, been placed on supervision, probation, or parole. If an applicant says they were not convicted, but they made a plea bargain instead, it is **still** a conviction.

YOUR APPLICATION SHOULD ASK ABOUT THESE ITEMS...

APPLICATION (CONTINUED)

- HAVE YOU EVER BEEN CONVICTED? YES ___ NO ___
IF SO, PLEASE EXPLAIN: _____
- ARE YOU CURRENTLY INVOLVED IN ANY ILLEGAL ACTIVITIES? YES ___ NO ___
IF YES, PLEASE EXPLAIN: _____
- DO YOU CURRENTLY USE OR SELL ANY ILLEGAL DRUGS? YES ___ NO ___
IF YES, PLEASE EXPLAIN: _____

Behavior is not one of the federally protected classes. An applicant can be denied residency for behaviors at previous rental properties. For example, you could refuse residency to an applicant who has repeatedly disturbed or threatened previous neighbors, sold or manufactured drugs, or damaged properties they previously rented.

When looking at the criminal history of prospective residents, ask yourself, “Is this a crime that poses a threat to my residents”? A felony embezzlement charge may not be a threat, but a misdemeanor charge for assault may constitute a threat.

MAKE CRIME FREE MULTI-HOUSING A COMMITMENT!

It is important to convey to all prospective residents your intention to participate in the Crime Free Multi-Housing Program. Some property managers will attach a copy of the Crime Free Addendum to each application, while other property managers will display a poster-sized copy of the addendum in an area where prospective residents fill out their application.

You should also have a written applicant screening policy along with the criteria that will grounds to deny the application. If you are going to screen an applicant (including their criminal background) you must screen every applicant including the sweet little old lady.

Be certain to treat all applicants equally and fairly. **Also be certain to tell them about your participation in the Crime Free Multi-Housing Program before they fill out the application.** This gives them the opportunity to continue looking for other options. (**NOTE:** If an applicant refuses to live in a Crime Free Community, you won't have to deny their application!)

An application should be obtained from all occupants 18 years old and over and each occupant 18 and over should be screened and approved.

DISCLOSURE

If an applicant discloses a previous criminal history of convictions on the application, you should decide immediately whether or not to accept the application. If you accept the application, you may lose the right to deny the application later for any information they have disclosed. Check with your Management Company and/or attorney to be certain of your company's policy in this regard.

Bottom line...Check each application thoroughly before accepting it or any processing fees.

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

(EXAMPLE ONLY)

Happy Acres Apartments APPLICATION FOR RESIDENCY

NAME _____ SOCIAL SECURITY # _____
_DATE OF BIRTH _____ PLACE OF BIRTH _____
_SPOUSE'S NAME _____ SOCIAL SECURITY # _____
_DATE OF BIRTH _____ PLACE OF BIRTH _____
_TOTAL NUMBER OF MINORS TO OCCUPY UNIT _____ LIST AGES _____

CURRENT ADDRESS _____ SINCE _____
_CITY _____ STATE _____ ZIP _____ PHONE _____
_LANDLORD' NAME _____ PHONE _____

PREVIOUS ADDRESS _____ SINCE _____
_CITY _____ STATE _____ ZIP _____
LANDLORD' NAME _____ PHONE _____

PREVIOUS ADDRESS _____ SINCE _____
_CITY _____ STATE _____ ZIP _____
LANDLORD' NAME _____ PHONE _____

HAVE YOU EVER BEEN EVICTED OR HAD A FORCIBLE DETAINER FILED AGAINST YOU?
REASON _____

DRIVERS LICENSE # _____ STATE _____ EXP. DATE _____
SPOUSE'S DR.LIC. # _____ STATE _____ EXP. DATE _____

VEHICLES - YOU OWN, ARE BUYING, AND/OR WOULD BE PARKING ON THE PROPERTY:
(MAKE/MODEL/YEAR/COLOR/LICENSE PLATE #/EXP. DATE/STATE)

PLACE OF EMPLOYMENT _____
ADDRESS _____ CITY _____ PHONE _____
DATED STARTED _____ POSITION _____ SUPERVISOR _____
_GROSS INCOME _____ PER _____

SECOND/FORMER EMPLOYER

ADDRESS _____ CITY _____ PHONE _____
DATED STARTED _____ POSITION _____ SUPERVISOR _____
_GROSS INCOME _____ PER _____

SPOUSE'S EMPLOYER

ADDRESS _____ CITY _____ PHONE _____
DATED STARTED _____ POSITION _____ SUPERVISOR _____
_GROSS INCOME _____ PER _____

ANY ADDITIONAL INCOME - STATE SOURCE AND AMOUNT:

NAME OF BANK	BRANCH/ADDRESS	TYPE OF ACCOUNT	ACCOUNT NUMBER
--------------	----------------	-----------------	----------------

CREDIT REFERENCES:

CREDITOR'S NAME	TYPE OF ACCOUNT	ACCOUNT NUMBER	MONTHLY PMT.	IN WHO'S NAME
-----------------	-----------------	----------------	--------------	---------------

TWO PERSONAL REFERENCES:

NAME _____

ADDRESS _____ CITY _____

_PHONE _____

RELATIONSHIP _____ NAME _____

_____ ADDRESS _____ CITY _____

_____ PHONE _____

RELATIONSHIP _____

Have you ever been convicted of a crime, placed on probation/parole, is there a current warrant for your arrest, or are you currently involved in any criminal activity?

Explain:

All information furnished on this application is to the best of my knowledge, complete and accurate. Discovery of false or omitted information constitutes grounds for rejection of this application. You or any agent of your choice may verify any and all information from whatever source you choose. I authorize all persons/or firms named in this application to freely provide any requested information concerning me and hereby waive all right of action for any consequence resulting from such information.

I acknowledge payment of \$ _____ as a nonrefundable fee for the purpose of processing this application.

Applicant _____ **Date** _____

Spouse _____ **Date** _____

STATEMENT OF RENTAL POLICY

THIS COMMUNITY WILL NOT DISCRIMINATE AGAINST ANY PERSON BASED ON RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, FAMILIAL STATUS, OR DISABILITY.

OCCUPANCY STANDARD: TWO (2) PERSON MAXIMUM OCCUPANCY PER BEDROOM

RENTAL APPLICATION EVALUATION GUIDELINES:

- T Age Requirement: Lease holder(s) must be 18 years or older. All occupants 18 years or older will be required to complete an application (even if living with parent or guardian). Co-signers are not accepted.
- T Income Requirement: The gross monthly income of all lease holder(s) will be considered jointly and must equal ____ times the rental amount on the apartment. All income must be verifiable.
- T Employment Verification: *Lease holder(s) must be currently employed, or provide written evidence of regular income sufficient to at least ____ times the rental amount on the apartment, for the lease term.
- T Self Employment: Must provide the previous year's personal income tax return and the previous two (2) months personal bank statements as evidence of sufficient income. Persons who hold jobs that are commission only, or base salary plus commission, or tips, bonuses will be considered self employed.
- T Residency: Up to two (2) years residency history will be reviewed and must exhibit no derogatory references. Any debt owed to a Concierge property must be paid before lease can be approved.
- T Credit Requirements: The credit history will be reviewed and no more that ____% of the total accounts reported can be over 60 days past due, or charged to collection in the past two years.
- T Pets: All pets are subject to property policy.
- T Application Fee: A \$____ non-refundable application fee is required per application.
- T Criminal History: Must exhibit no criminal conviction involving violence, fire arms, illegal drugs, theft, crimes involving theft, or destruction of property, or any crime involving a minor.

This will include person(s) who have received deferred adjudication and/or have not yet satisfied the probationary period of a deferred adjudication for any of the above mentioned offenses.

ADDENDUM TO THE APPLICATION:

Are you a current illegal abuser of a controlled substance?_____ Have you ever been convicted of the illegal use, manufacture, sale or distribution of a controlled substance?

I UNDERSTAND AND ACCEPT THESE QUALIFYING STANDARDS AND HAVE TRUTHFULLY ANSWERED ALL QUESTIONS. FURTHER, I UNDERSTAND THAT FALSIFICATION OF RENTAL APPLICATION INFORMATION WILL LEAD TO DENIAL OF RENTAL. CONCIERGE MANAGEMENT CORPORATION'S RENTAL POLICIES ARE GUIDELINES, WHICH ENABLE US TO ACCEPT AS PROSPECTIVE RESIDENTS THOSE INDIVIDUALS WHO ARE CREDITWORTHY AND DO NOT HAVE A CRIMINAL BACKGROUND. THIS RENTAL POLICY DOES NOT INSURE THAT ALL INDIVIDUALS RESIDING ON OR VISITING THE PROPERTY CONFORM TO THESE GUIDELINES.

_____/_____
Prospective Resident Date

_____/_____
Prospective Resident Date

_____/_____
Prospective Resident Date

_____/_____
Agent For Owner Date

SCREENING AGENCIES

Many applicant screening agencies will provide credit checks, eviction searches, and offer to search local or county court records for criminal data pertaining to your prospective tenants. While many of these companies make claims, the results they get may vary as greatly as the costs.

It is important to *shop around* for the best results, using a control group of names currently being processed. **Screening resource lists from the National Apartment Association and Chicagoland Apartment Association are provided as a supplement to this chapter.** You will find that licensed private investigators can provide the same service, including searching multiple courts and jurisdictions.

MATERIAL FALSIFICATION

If there is a material falsification of the information provided on the rental application, the manager may serve a 10-day notice to the resident to terminate the rental agreement if the information is not corrected. If the corrected information provided would have disqualified the applicant in the beginning, the manager may proceed with the 10-day written notice (for violation of lease agreement).

Ensure that the applicant understands a false application constitutes a lease violation. Have this in writing. Check with your attorney or management company on the best way to accomplish this, whether on the application, on the lease, or as part of an addendum.

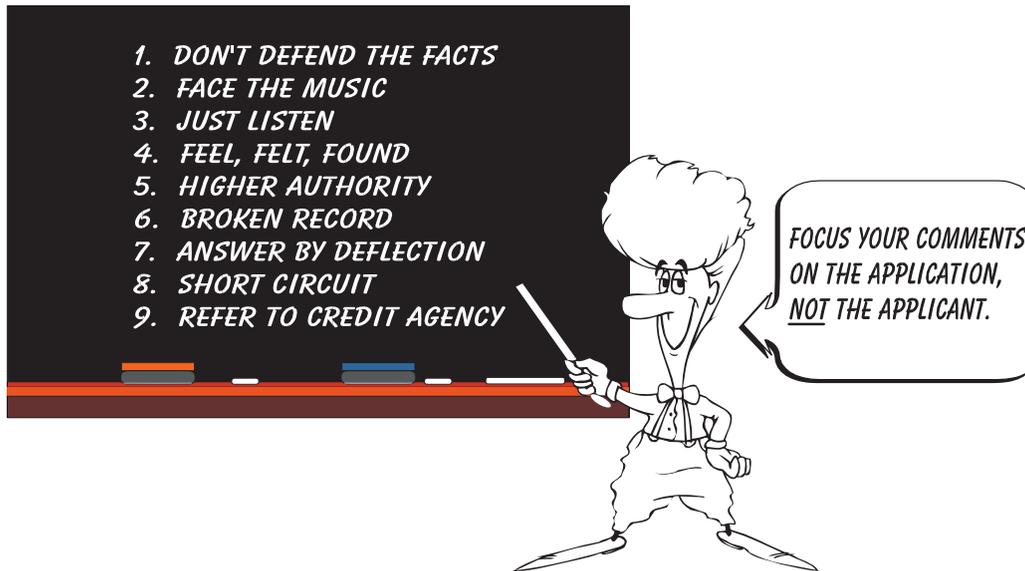
If the mistake was unintentional and the resident would have qualified anyway, the manager should void the 10-day notice.

FOR THE PURPOSES OF THIS SECTION, MATERIAL FALSIFICATION MEANS UNTRUE OR MISLEADING INFORMATION THAT "MATTERS," OR IS PERTINENT TO THE ISSUE OF THE APPLICATION PROCESS.



REFUSING AN APPLICATION

Try to resolve the applicant's questions by using as few of these techniques as possible.



1. **Don't Defend the Facts**

7. **Answer By Deflection**

2. **Face the Music**

8. **Short Circuit**

3. **Just Listen**

9. **Refer Applicant to Credit Agency**

4. **Feel, Felt, Found**

BOTTOM LINE:

PLAN YOUR WORDS VERY CAREFULLY --

DISCRIMINATION SUITS ARE FILED WHEN MANAGERS SAY TOO MUCH!

5. **Higher Authority**

6. **Dumb Broken Record**

Note: This is derived from an article that appeared in Property Management Magazine October 1992

APPLICANT SCREENING CONCEPTS

The **WORST** time to screen your residents is.....
during the eviction process !!!

As a rental property owner, or manager, in many respects you have more power than the police. You have the power to prevent problems from moving into your property and *you have the power* to move them off.

You should use the most thorough process possible to screen prospective tenants. Financial institutions measure a person's "credit worthiness" before issuing a loan. You should be measuring for an applicant's "tenant worthiness" (a predictor of what kind of resident they will be). This can be accomplished by not only checking the applicant's credit history, but also their criminal history and their rental history. The rental history includes evictions, lease violations, and rental background (do they change apartments often, or before the lease expired, and contact with previous landlords).

J. Denton Dobbins, a prominent Arizona attorney, advises that if property managers utilize better screening procedures they can expect:

- Good tenants
- Deferred maintenance costs
- A better living environment
- Residents who notify you of problems....not create problems
- A waiting list for prospective tenants

Chris McGoey, The Crime Doctor, a nationally known crime prevention expert relates that a "good application" can be an *effective* screening tool in and of itself.

This section contains several examples of forms and documents (applications, screening policies, etc.). These items are provided simply as an example and are not specifically endorsed. What works for one property may not work as well for you. Discuss your applicant screening policy and process with your lawyer or an attorney experienced in landlord/tenant law. Adopt and develop screening criteria that suits your needs and that you and your attorney feel comfortable with. Your final goal and purpose is to protect yourself, protect your property, and protect your tenants.

Chapter 5

COMMUNITY RULES / LEASE AGREEMENTS / ADDENDUM FOR CRIME FREE HOUSING / SECTION 8 INFORMATION

LEASES

Property managers should routinely have their leases reviewed by their attorneys to insure that they remain current and accurate. As federal and state laws change and court decisions are issued, some aspects of your current “standard” leases may become outdated. This could then affect your options should a lease violation or other incident occur which would possibly have you considering an eviction of the tenant. You may wish to review the following points with your attorney or management company and if needed consider revising or adding to your current lease or lease addendum.

A. Subleasing

Subleasing should not be permitted without authorization of management and then only upon completion of the applicant screening process. The person(s) who wish to sublease an apartment should receive the same approval as a standard tenant.

B. Unit Occupancy

Only those people noted on the lease may occupy the rental unit. Community rules governing residents should specify the length a guest may visit or stay and under what circumstances (length or number of guests) that management permission should be obtained. Any violation of this could constitute a lease violation allowing you to serve notice to terminate the lease agreement if the situation is not resolved. This is done to prevent your tenants from allowing others to “move-in” to your community without your knowledge. You may even wish to take a “family picture” (Polaroid type) of those people noted on the lease and authorized to occupy the unit. You can also explain the photo will be kept in the rental file for such instances as issuing a spare key in the event the tenant is locked out. The management can then insure that entry is not granted to unauthorized people for the security of the residents and their property.

C. Inspecting the Rental Unit

Prior to move-in and prior to move-out you and your tenant should jointly inspect the unit for damage. A sample check list is included in the “Renters Handbook” from Prairie State Legal Services which is included as a supplement at the end of Chapter 11 of this workbook.

Additionally you should consider including an inspection clause in your lease. Such an annual inspection should be done mid-way through the annual lease. Inspecting twice a year would provide you the opportunity to check the unit four months and then eight months into the lease. The purpose of such an inspection should include changing furnace filters and smoke detector batteries as well as a brief visual inspection of plumbing and other infrastructure. The purpose is NOT to be invasive or disturb your tenant’s privacy. However,

by inspecting you may also discover damage or other problems *prior* to the tenant moving (or skipping) out and prior to a call from the police.

An inspection policy could also help you find a good resident. Do you think a gang member or Meth lab operator will want to rent from you if they know you plan on inspecting the unit?

When placing an inspection clause into your lease, provide a specific time-frame for “notice of entry”. By stating you will provide a five-day or seven-day notice prior to inspection, you can avoid an argument of what is a “reasonable” notice. If the tenant fails to provide you access, issue a 10-day notice for lease violation. If they continue to refuse access, you must decide if you will “turn the other cheek” and wonder what they are doing with *YOUR* property or will you decide to initiate the eviction process. You should ask your self, “Why won’t they let me in”?

You may wish to consider a clause indicating that if the tenant causes housing, building, zoning or other local municipal code violations, which will constitute a lease violation. This then provides you the ability to initiate the eviction process if you feel that will be in your best interest to resolve the problem.

D. Drugs and/or Criminal Activity

All prospective tenants, before leasing, should have a clear understanding that **drug or criminal activity related to the unit, its occupants, or guests will not be tolerated.** This must be addressed in the community rules and even more importantly in a signed Crime Free or Drug Free Lease Addendum.

E. Nuisance Complaints

Reducing the opportunity for criminal activity is not the only goal of this program. Nuisance situations often cause disruptions to the quality of life within a multi-family housing community. Residents should not unduly or repeatedly disturb their neighbors. Again as part of the lease, an addendum, or in the community rules, you should clearly spell out what constitutes a violation. A certain number or type of nuisance complaints within a certain period of time (clearly specified) would constitute a lease violation and thus be grounds to serve a 10-day notice of termination. Additionally tenants should understand that they would be held responsible for their own conduct, the conduct of their children and of their guests while on or near the property. You may also suggest to your tenants that they should contact the police for assistance should dangerous or illegal activities occur that is out of their control.

MAKING RULES

Property owners or managers may choose to develop a booklet that lists guidelines for expected behavior, restrictions on excessive noise or nuisance violations, and other matters that are unique to your property and facilities. If your rental unit is part of a condo association you should provide the tenant with a copy of the association rules and regulations and inform them of potential consequences for violating the rules. These items should be explained and the applicant may be asked to sign an addendum (or have it clearly noted in the rental agreement itself) indicating that community rules will be followed.

If such groundwork is prepared, then rules violations could constitute a lease violation and serve as grounds to issue a 10-day notice of lease termination. As with all such matters, you should obtain legal assistance in reviewing and developing any such written materials prior to implementing them. Lastly, you should routinely review all materials and make necessary revisions to keep your paperwork “up to date”.

ILLINOIS CONDOMINIUM ACT

The Illinois Compiled Statutes has a section specifically related to condo associations. The act specifies how a condo board shall be operated and the act enumerates and bestows many powers upon the board. If you own a condo, it would be in your best interest to not only research the Illinois Condo Act, but attend some board meetings and read the “routine” mail from the board or property manager so you won’t be surprised by a new rule or regulation that you could have addressed at a board meeting. A brief overview of the act is provided in the form of “The 100 Most Commonly Asked Questions About Illinois Condominium Associations.....With Answers” is provided as a supplement at the end of this chapter.

SECTION 8 – SUBSIDIZED HOUSING

One of the most misunderstood and confusing aspects of rental housing is the Federal Subsidized – Section 8 Program. Unfortunately, the name “Section 8” has come to be associated with criminal activity. There are many wonderful hard working people that require subsidized housing. You can turn down a Section 8 applicant like any other applicant if they don’t meet your screening criteria. You are allowed and encouraged to screen all applicants (including those on Section 8). Recipients of Section 8 vouchers have been screened by HUD for financial status only, not necessarily worthiness as a “good” tenant. Crime Free Multi-Housing is not anti-minority, anti-low income, or anti-Section 8. The program is as simple as the name states, Crime Free. We ask you the rental property owner/manager to provide and foster as much of a crime free property as possible and we ask the rental resident to live a crime free life style. A supplement on Section Myths and Facts is located at the end of this chapter.

ACTIVE PROPERTY MANAGEMENT

TAKING A COMPLAINT

An apartment community needs active management to deal with the daily problems that can arise among residents and guests. A manager should always be fair and impartial when hearing about resident complaints. It is good management to hear both sides of the story whenever possible. Calling both residents into the office may be one way of resolving small problems between residents.

In cases where there is a potential for violence, it may be necessary to call the police, or at the very least try to keep the residents apart. If the complaint amounts to a breach of the rental agreement or the Crime Free Lease Addendum, and one resident is willing to write a complaint and testify in court, you may want to serve the notice even though you were not an eyewitness to the event. Let the judge decide.

When property managers show a genuine interest in the residents concerns, it encourages the residents to take ownership of the community. If residents feel their concerns will fall on deaf ears, they will stop bringing issues to management. This is not a good thing, as small problems will progress to larger ones, and those problems can lead to catastrophes.

CRIME FREE LEASE ADDENDUM

In order for this program to work properly you must use the Crime Free or Drug Free Lease Addendum. Such an addendum, when signed by the tenant, makes criminal or drug activity a LEASE VIOLATION in addition to a police matter. You can then terminate a lease based on drug and criminal activity. Evictions based on the Crime Free Lease Addendum have been upheld (approved) by the United States Supreme Court. Information on that case (HUD v. Rucker) is included as a supplement to this chapter immediately following the lease addendum samples. The following is the lease addendum required by the City of Oak Forest in both English and Spanish.

CRIME-FREE HOUSING LEASE ADDENDUM

In consideration for the execution or renewal of a lease of the dwelling unit identified in the lease, Manager or Owner and Resident agree as follows:

1. The Tenant, any member of the Tenant’s household, any guest or any other person associated with the Tenant on or near the leased premises:
 - a) Shall not engage in criminal activity, including drug-related criminal activity, on or near the leased premises. “Drug related criminal activity” means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance as defined in 21 U.S.C. 802.
 - b) Shall not engage in any act intended to facilitate criminal activity.
 - c) Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.

2. ANY ACTIVITY PROHIBITED BY THIS AGREEMENT SHALL CONSTITUTE A SUBSTANTIAL VIOLATION OF THE LEASE, MATERIAL NONCOMPLIANCE WITH THE LEASE, AND GROUNDS FOR TERMINATION OF TENANCY AND EVICTION.

Resident Signature

Date

Resident Signature

Date

Property Manager's Signature

Date

Name of Property

'1-Strike' Drug Eviction Policy Upheld

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By Bob Egelko

ASSOCIATED PRESS

February 15, 2000

SAN FRANCISCO—A public housing tenant can be evicted for a household member's drug use, even if the tenant was unaware of it, a federal appeals court ruled here yesterday.

The federal government's "One Strike You're Out" eviction policy, which applies to more than 3 million low-income tenants nationwide, is a reasonable step toward making public housing safe and drug-free, said the 9th U.S. Circuit Court of Appeals. The 2-1 ruling, one of a handful of court decisions on the issue, overturned a federal judge's 1998 order that barred the Oakland Housing Authority from evicting because of their housemates' off-premises activities—activities the tenant knew nothing about.

U.S. District Judge Charles Breyer had held that such evictions did not appear authorized by federal law and would not discourage drug crimes. However, the appeals court said the Department of Housing and Urban Development's policy was legally authorized and aimed at "preventing tenants from turning a blind eye to the conduct of a household member or guest."

Requiring local housing agencies to prove that a tenant knew or should have known of a household member's illegal drug activity "would hamstring (agencies') efforts to rid public housing of the crime and violence with which low-income families must cope on a daily basis," said the opinion issued yesterday by Judge Diarmuid O'Scannlain.

Dissenting Judge William Fletcher said the eviction policy "deprives innocent people of property that was not involved in any crime and punishes innocent people for crimes that they did commit and could not prevent." He said HUD had exceeded the scope of the federal law on drug-related evictions.

That law, passed in 1988, said drug-related criminal activity on or near public housing property "by a tenant, a household member or a guest or other person under the tenant's control" was grounds for eviction.

Chapter 6

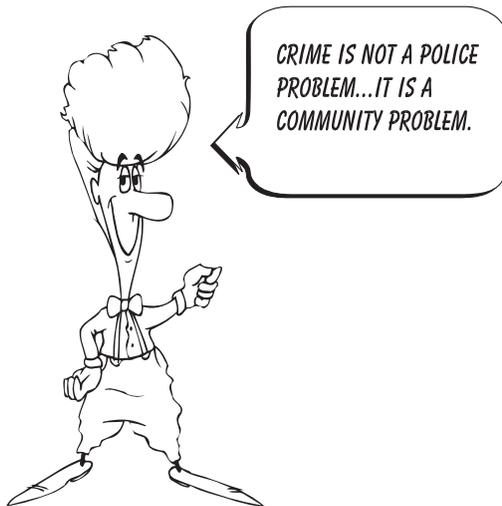
COMMUNITIES, NOT COMPLEXES!

NOT A COMPLEX

Rental properties are not complexes. Rental properties are small communities where people live, and many raise a family. It is important to view each property as a community within a community. Residents need to feel they are a vital part of a healthy community. When residents feel at home, they are more apt to take pride and ownership of the area.

If residents of a rental property are fearful or not familiar with others in that community, many problems can result. Residents will be less likely to report suspicious or illegal activity, and that causes apathy. When apathy pervades, soon drug dealers and other undesirables will begin to take over the area. The only thing necessary for these activities to flourish is for good residents to do nothing to stop it. It doesn't take long for those who perpetrate illegal activity to realize no one is going to report them.

NOT A POLICE PROBLEM



Crime is NOT a police problem. It is a COMMUNITY problem. The police ARE a part of the community, so this does not exclude the police. It certainly is the police department's role to arrest people involved in illegal activity, but if the management re-rents to others committing criminal acts, the problem does not go away.

For example, if neighbors complain that various types of illegal activity are making a park unsafe for children to play in, this is not necessarily a police problem. The police can remove the persons committing crimes in the park, but if the residents don't follow-up by using the park for legitimate uses, other illegal activities will soon begin again.

PROBLEM SOLVING

1. Identify

2. Identify

3. Identify

4. Identify

5. Identify

6. Identify

HOW TO BEGIN

Start with residents that care about their environment. If you promote a strong sense of community concern, residents will not tolerate illegal activity, and are even willing to testify in court about abhorrent behavior among other residents. Remember that criminals are like predators, seeking the easy target. If they are able to scare residents into silence, they can perpetrate the crimes.

As previously stated, one of the most violent elements in society today is apathy. Ignoring a crime problem will allow it to flourish more rapidly. It works the same way as weeds. Ignoring a problem will not make it go away. Usually it will get worse.

FORM VS. FUNCTION

While a small sports car may be very attractive, it does not offer much protection in an accident. The 1955 sedan that weighs twice as much (or more) will offer better protection. The point is **it doesn't matter how pretty something is. If it isn't safe, it isn't practical.**



Property management may spend tens of thousands of dollars to beautify a property, but might not invest in security lighting. A person looking for a safe place to live may shy away from a property that is too dark, but a drug criminal may choose a property for that very reason.



The key to having a nice apartment community begins with attracting the right residents. If your property is clean and attractive, you are more likely to attract residents who will keep their rental units clean as well. Trimming trees and bushes doesn't have to be expensive. Responsible applicants will come if they feel responsible management is running the property

It is difficult to attract good residents if you have current residents loitering in the parking lots or common areas drinking alcohol or using drugs. People who conduct this kind of behavior will not only prevent good residents from moving in, they will influence your best residents not to renew their lease.

It is a good idea to visit the property at all times of the day and night to see how the residents behave. Feel free to have your beat officer or CFMH coordinator join you during these "off-hours" visits. This is especially important for properties with off-site management or absentee owners. Don't rely on independent management companies that contract their services. Many times they are chiefly concerned only with collecting the rent.



THE NEXT STEP

Once you have attracted the right applicants, be sure to sell them on the benefits of your particular property. It is a great idea to highlight the best features of the property. But keep in mind, many properties have great amenities. You need to appeal to their concerns about safety and security.

While no property manager can guarantee a resident will not be affected by crime, a resident will take great comfort in knowing the property has established a good rapport with the local police. Good prospects will be happy to hear management is a member of the CRIME FREE MULTI-HOUSING PROGRAM. **Prospects with a history of drug or other illegal activity may simply say, "Thank you, there is one other place I want to look at first."**

Be fair, but be firm in your residency requirements. It's your right. One property manager notorious for her strict guidelines was reported to the attorney general's office for possible discrimination. People from various classes were sent to the property to audit the manager. The report concluded the manager was equally rude to everyone; there was no discrimination, she was just very strict.

Once a resident shows interest in the property, let them know that all residents at the property have been required to sign the Crime Free Lease Addendum and pass a criminal background check. While this is no guarantee, it does show that management is doing everything they can legally do to reduce the likelihood of criminal activity on the property.

CLOSING THE DEAL

Once an applicant has been approved for residency, they will come into the office to review community rules and sign the rental agreements. This is a good time to explain management and resident responsibilities.

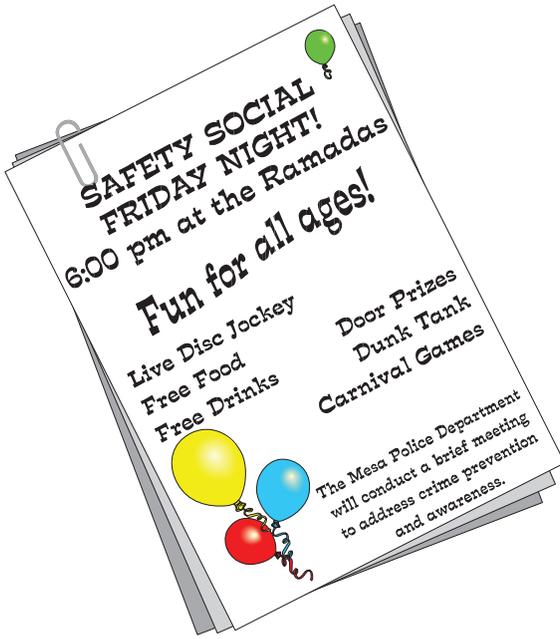
Managers may choose to supply a "move-in" packet containing a copy of the signed lease and all other signed documents including the community rules.

Make sure to explain everything clearly and insure understanding. If the resident understands what a "violation" is and what can / can't be done by the resident **AND** management, dispute resolution will be simplified (should one occur). This is a great way to establish a professional, yet personal, rapport with the new residents.

Note: Be sure to give the residents a photocopy of their signed, Crime Free Lease Addendum.

KEEP IT GOING

The Crime Free Multi-Housing Program requires community activities at least annually for fully certified properties. Try to plan various activities that are sure to draw as many residents as possible. Food, drinks, door prizes and music are sure to draw large turnouts.



When residents feel they are a part of a community, they are more likely to work out differences with neighbors. Residents who don't associate with neighbors are much more likely to make complaints to management. People who use rental properties to promote illegal activity prefer to live in properties where residents keep to themselves, and community activities are less frequent.

To attract residents it may be necessary to invite a band, disc jockey, or sponsor a night of karaoke. This is likely to draw a lot of residents, especially if you have free food, drinks and giveaways to raffle off. By having functions that include all ages, residents begin to put names with faces, and faces with unit numbers. Residents will be less likely to cause problems in an area where they are well known.

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

Chapter 7

COMBATING CRIME PROBLEMS

WHO'S JOB IS IT?

Property managers get frustrated very quickly when trying to report crime problems to the police. It just seems the police don't show enough interest. If they cared, they would arrest the troublemakers, right? Well, it's not that easy.

Some property managers are viewed as apathetic toward crime. It appears that property managers intentionally rent to anyone, as long as they pay the rent. Some police officers are viewed as apathetic toward problems that arise in rental communities. It appears the police are in too much of a hurry to get to the next call, or the next cup of coffee.

The truth is, there are some property managers and police officers that could do a better job. But the majority of police officers and property managers are doing their level best. There is just the issue of misconceptions about what the police can and cannot do, as well as what the property manager can and cannot do.

The Displacement Theory

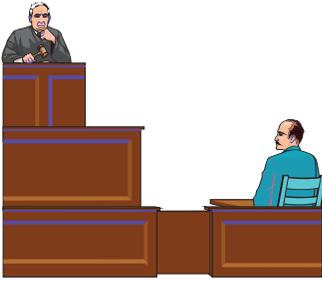
If management depends too heavily upon the police to deal with criminal activity on the property, they'll likely be disappointed. The police cannot do very much alone. For example, consider the balloon displacement theory.

If a balloon is squeezed from one side, all of the air is displaced to the other side. When the balloon is released, all of the air comes back again. The police have this same effect on crime. The police can respond to a crime problem, apply pressure, and displace the problem. But as soon as they move on to the next area, and they WILL have to, the problem returns.

If a property manager squeezes one side of a balloon, maintenance squeezes another side, the police another side, and residents squeeze from the top and bottom, the balloon will burst. This **TEAM** can have the same effect on crime. There is strength in numbers! **United against crime, the team will always win.**

Police officers do not have sufficient training in civil laws regarding landlord/tenant disputes. Frequently, the police expect the property management to do things that just are not allowed. The reverse is true. Many times the police are asked to do things that they are not allowed to do either. Because there is not enough time spent on explaining why a particular action cannot be taken, the other sees this refusal as apathy.

CIVIL LAWS VS. CRIMINAL LAWS



To clear up the matter, we first have to see the differences between civil and criminal matters. They have very little in common. In fact, sometimes they have NOTHING AT ALL in common. Property managers work with civil law (*Forcible Entry and Detainer Act*) while the police work with criminal laws. The rules and the penalties are entirely different. The amount of evidence a police officer needs for probable cause to make an arrest is much higher than the preponderance of evidence you need as a landlord.

Criminal Law

When you think of criminal laws, think of Perry Mason, the judge and jury. When you think of civil laws, think of Judge Wapner and *The People's Court*. The issues and the procedures are quite different.

In criminal law, the police must have probable cause to arrest someone. Suspicion is not enough. Probable cause is where an officer knows a crime happened, and believes the perpetrator is the one being detained. When an officer begins to question the person who just got arrested, **they must tell the suspect about their right to remain silent. The police cannot search an apartment without a warrant, and they are not easy to obtain.**

If the officer is able to build enough evidence to arrest a suspect, there is still no guarantee the prosecutor's office will file charges. If charges are filed, there is no guarantee the person will be brought to a jury trial. If the person is brought to a jury trial, there is no guarantee the jury will convict. If the jury convicts, there is no guarantee the person will go to prison. If the person goes to prison, there is no guarantee they will stay there very long.

In many cases, plea bargains are made, probation may be given, or in some situations, the charges are just dropped. In most cases, the people that get arrested at rental properties do not go to prison. They are released very soon after being arrested, and they go right back home to their apartment.

Civil Law

In civil law, the procedure is much different. **Property managers do not need probable cause to question a resident and they do not have to read them their rights. Property managers have the right to enter rental units (as provided by law), and they don't need a search warrant!** If the resident has committed a breach of the rental agreement, you may serve notice to terminate the lease and the resident may need to appear in court or risk losing the judgment if they choose not to leave.

In civil court there is not the typical courtroom scenario. You might be surprised to not see a jury. Each person stands before a judge; the judge weighs out both sides of the issue based on the evidence presented, and renders judgement. That's it.

In criminal cases, a jury must be convinced **beyond a shadow of a doubt**. In civil law, the judge only needs to see a **preponderance of evidence**. A preponderance is MUCH less than proof beyond a shadow of a doubt. A preponderance of evidence could be only 51% to win. Proof beyond a shadow of a doubt requires virtually 100% to win the case.



VS.



Criminal Preponderance
98%-100%

Civil Preponderance
51+%

TAKING ACTION

If a resident is conducting illegal activity at the rental property, a criminal conviction may not be as expedient as taking civil action. For instance, if a resident is suspected of selling drugs or gang activity, you should contact the police, but also be prepared to take action yourself. There may not be a whole lot the police can do to help you in some cases. Document all of the activities you and others have observed, because you may have more ability to deal with the situation. For example: **DRUGS IN APARTMENTS**



What will you do if ***you or an employee in a resident's unit discovers drugs?*** Some management companies may want you to take the drugs to the office, another company may recommend that you secure the apartment, and yet some companies may want you to get a witness. **In all cases you should notify the police.** Check with your company's attorney for legal advice in advance. In

one case, a maintenance person took needles, which turned out to belong to an insulin dependent diabetic who was very angry with management. **Bottom-line, consider your actions!**

Drugs can be extremely dangerous; caution should always be exercised. It is not advisable to pick up or remove drugs, drug pipes, needles or other paraphernalia. At the very least, rubber gloves should be worn when touching any of these items. Needles are especially dangerous, not only because of the drugs themselves, but because of the likelihood of the transmission of Hepatitis or the H.I.V. virus. Because children and adults frequently crawl into dumpsters, this is not a good place to dispose of them. Maintenance and grounds keepers should also be on the lookout for needles and other stashes in remote areas of the property and inside broken sections of block fences.

GENERAL DISTURBANCES



Loud music, loud parties and just rowdy behavior can be very annoying. The police can ask residents to reduce the noise, but frequently they will start again once the police leave. **The management has the most power to deal with this non-compliance.** A resident should be served with a 10-day notice for each breach of the rental agreement, if appropriate. The manager can simply tell the resident to stop violating the rental agreement, or the next time the violation happens it will be grounds for eviction.

WHO HAS THE POWER?

The Fourth Amendment to the United States Constitution limits the power of the police. **The property manager has much more power to remove a resident from the property.** A resident can be free, awaiting trial for over a year. The criminal process is much slower than the civil one. You will need less evidence to remove the resident through the civil process. Having your paper work in order with thorough documentation will make the process quicker and easier. There are some things the police can do that managers cannot. But more often what the management can do, the police cannot. **Together the police and management** can work with responsible residents to solve virtually any problems. It takes a concerted effort, and both sides have to be willing to do as much as possible. Though it may seem easier for the police to deal with it, that is not always the case. Here is another example:

TRESPASSING

Mark Manager calls the police to report a trespasser. When the officer arrives, the suspect is waiting for the police. The manager tells the officer, "I want this man arrested for trespassing!"

The officer talks to the man in question and finds out he is actually living in the unit. His clothes, television and other personal effects are in the apartment as well.

The officer explains to Mr. Manager, "The man is not trespassing, the resident is allowing him to live there."

"Aha!" replies the manager. "He is NOT on the lease!"

The officer responds, "The lease is a civil matter. You will have to serve notice to the resident who is allowing the unauthorized guest."

If a rental agreement has clearly stated policies regarding unauthorized occupants, the property manager can typically serve a notice for the resident to remedy the breach in 10 days, or face eviction. This is often the case with unauthorized pets.



ATTEMPTED MURDER

"9-1-1, what is your emergency?"

"It's my husband, he has a gun, and he says he's going to kill me."

"Okay, stay on the line. I have several officers responding to your apartment as we're talking."

"Please hurry."

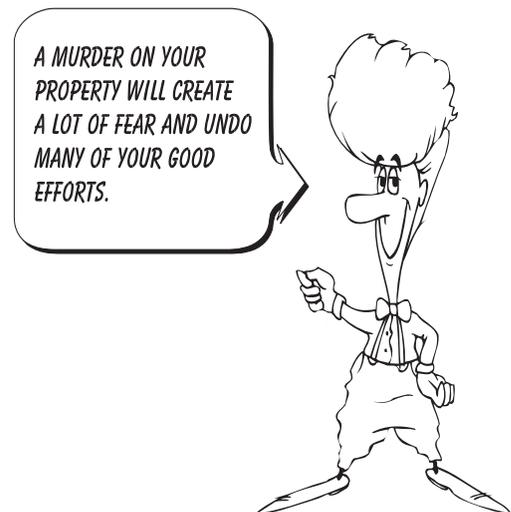
"Which unit number are you in?"

CLICK -- Dial tone.

"Hello? Are you still there?"

(The line is busy on call back.)

The police respond at 1:40 a.m., set up a perimeter, and evacuated all of the neighbors. It's the middle of the night, it's cold outside, but the neighbors could be in danger. They have to leave.



For several hours the police negotiate with the gunman, but he refuses to put the gun down. The hostage negotiator is also unsuccessful.

At about 7:00 a.m., the police fire tear gas into the unit, breaking the window and burning the curtains and carpeting. The rental unit smells bad. Fortunately, nobody is seriously injured. The S.W.A.T. Team takes the suspect into custody.

By 7:11 a.m. the suspect is handcuffed and placed into the back of a waiting patrol car. By 8:00 a.m. he is in front of a judge; by 9:45 a.m. he's released from court and back at home in his apartment.

The rental owner/manager is livid! She calls the police and insists in knowing why the police let this man go?

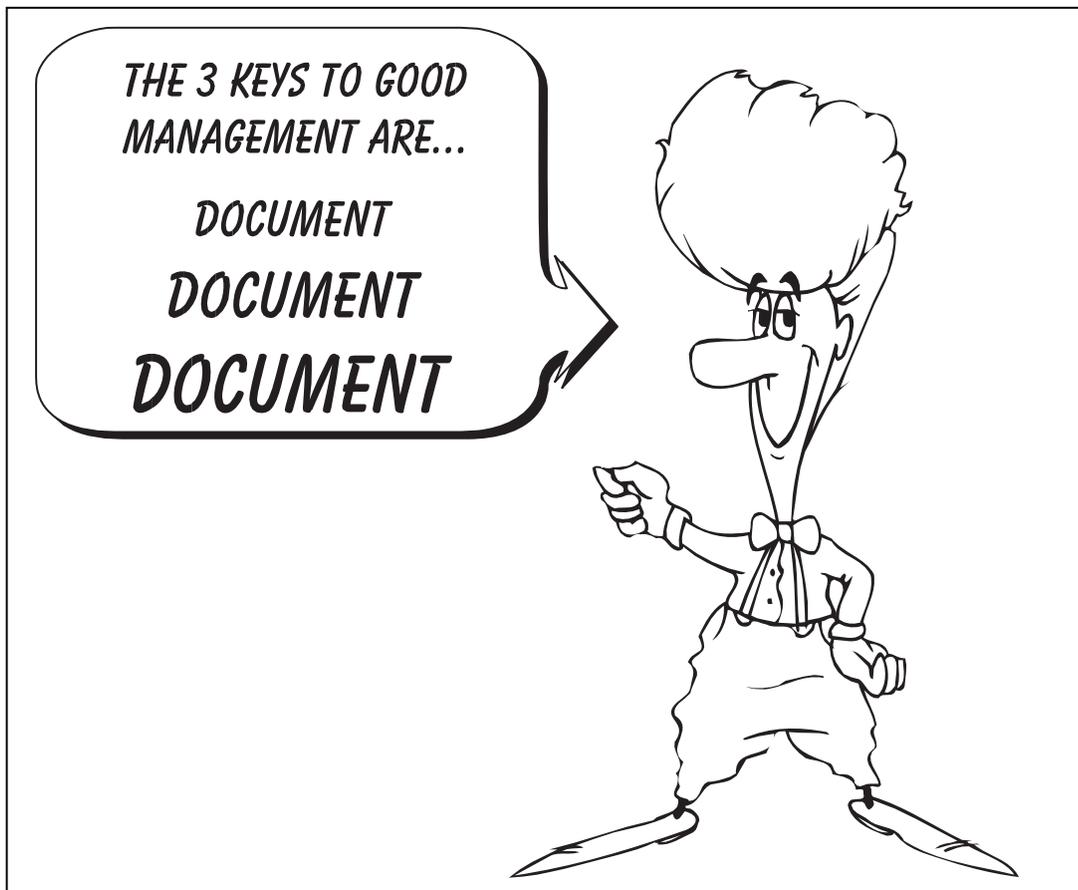
The response is, "The police did NOT let this man go, the judge did." The police department's job is to take a suspect before a judge. After that, it is up to the judge! If the judge orders the police to release him, they have to do it. The manager lashes back, "I want to know why the judge let him go?"

The response, "It happens all the time. The courts are so busy, and the jails are overcrowded, so not everyone goes to jail.

If you call the sheriff, he'll tell you he doesn't have enough money or facilities because of budget cuts. It all comes back to the people who say, "No new taxes."

In a way, the people blame the police, the police blame the judge, the judge blames the sheriff, and the sheriff blames the people...who blame the police, who blame the judge, who blame the sheriff, who blames the people...

The irony of this story is the manager was mad at the police for not doing their job, when in fact, they did all they could. The manager, however, did not do HER job. This was the third time the police were called to the same rental unit in less than 10 months. The manager chose not to evict him the previous two times because she knew the resident was having personal problems. This story may sound strange, but consider your responsibilities to all your residents while considering "the big picture".



MANAGEMENT'S RESPONSIBILITY

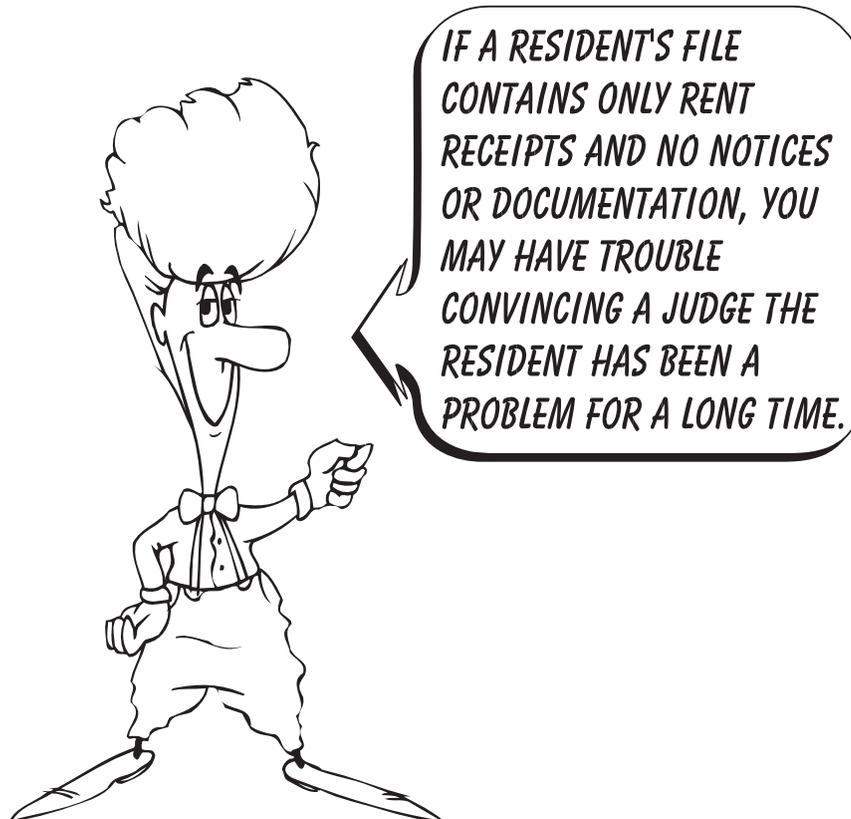
Frequently managers complain about all the problems they are having with a particular resident. They can tell many stories, but when asked to show written documentation of non-compliance, often times the manager has not kept records.

One manager was asked if he ever served a 10-day notice. His reply was "What's a 10-day notice?"

It is not uncommon to find managers who only know about the 5-day notice for non-payment of rent. They feel they were hired only to collect the rent, and it is the police department's job to deal with undesirable behavior involving residents.



Granted, most apartment managers are familiar with the various notices, but far too many don't use them as often as they should. The three (3) keys to any successful eviction are **"DOCUMENT..... DOCUMENT..... DOCUMENT"**.



RESIDENT'S RESPONSIBILITY

Train residents - to recognize and report illegal activity.

Empower residents - form Neighborhood Watches and resident councils.

Establish relationships/rapport - attend meetings, use suggestion boxes, have an open door policy.

Set goals - for residents.

- Smaller, short-term goals at first
people get discouraged
people need successes
people need a series of goals
remind residents of goals
advertise successes
- Larger, long-term goals later
more impact on community
more difficult, but more rewards

A TEN-STEP PROCESS

1. Contact all residents.
2. Arrange a timely meeting.
3. Provide handouts.
4. Follow up with newsletter to all residents who don't show up.
5. Have property manager facilitate meeting.
6. Arrange police/fire department presenter.
7. Present crime statistics.
8. Present reasons for crime.
9. Present resources.
10. Present solutions.

Chapter 8

TO SERVE AND PROTECT?

THE POLICE WON'T TALK TO US

Frequently managers or property owners complain that the police don't stop at the office or report to them why they were at the property. There are some very legitimate reasons why.

- Some problems are so minor; the officer may not feel it warrants reporting. For example, a couple has a verbal dispute, as many people do, but no one is hurt; the situation is minor, and there is no reason to "air the dirty laundry" to the neighbors.
- Though it may be the manager who walks up to the officer asking about the call, the officer may not feel it is appropriate to disclose the information. It is also possible the officer isn't certain the person is really the manager.
- Many times the officer is in a hurry to clear the call and get on to the next one that is waiting. Domestic calls take a lot of time in and of themselves, and officers are always being criticized about their response time by the next person who is waiting. The time it takes to locate a manager (and re-tell the whole story) can easily amount to 15 minutes, a half-hour or more. This is especially true when the manager has a lot they want to say to the officer as well.
- Some officers feel the manager isn't going to follow through anyway. Though it may be hard to believe, there are property managers that are nosey. They never follow through with the appropriate notices; they just want to know everybody's business.



If a police officer knows the property manager actually follows through with an appropriate course of action, there is greater incentive to talk with the manager. The officer really doesn't want to have to keep coming back for the same problem over and over again.

Meet with the officer, even if you have to call the beat coordinator to schedule an appointment. When the officer arrives, let them know you are an active member of the CRIME FREE MULTI-HOUSING PROGRAM and you are willing to work with the police. Meeting the officer is the first step.

Keep in mind, one officer works day shift, one works the afternoon shift, and one works the midnight shift. Also, other officers fill in on the regular officer's days off! It could take a while to meet them all.

PRIVACY LAWS

There is another very key issue to be addressed. That is the issue of privacy laws. A police officer cannot stop by in person, or leave a card in the office telling you the "who, what, when, where, why and how."

The officer is more likely to give you a case number, and as a matter of public record, you can request a copy of the police report. Always try to get the case number if you get nothing else. While the officer may not be able to give you the names of the persons involved, they may be able to give you the unit number they went to.

One of the benefits of being a **fully certified member** of the CRIME FREE MULTI-HOUSING PROGRAM is that you can contact the Crime Free Coordinator to discuss police calls to your property.

*THERE ARE VERY STRICT
PRIVACY LAWS THAT
PROTECT THE PRIVACY OF
RESIDENTS...EVEN THE
RESIDENTS THAT BREAK
THE LAW.*



HOW TO APPROACH THE OFFICER

If you see a police officer at one of your rental units, don't interfere -- stay back. The situation may become very volatile at any moment. The officer may order you to stand back for your own safety.

If you are certain things are settled, you can get the officer's attention and introduce yourself as the manager and ask to see the officer when they are through with the call. The less you say at this point, generally the better. Stand at a safe distance, but wait for the officer. Don't go back to the office.

When the officer is finished, let them know you are working with the CRIME FREE MULTI-HOUSING PROGRAM, and get a case number. Sometimes, a case is not drawn up and no report will be written. The officer will let you know.

If the officer is able to give you more information, it will help you follow through with the necessary steps you must take. If not, get a copy of the report. Let the officer know that you do plan to follow through, and you would appreciate working with them in the future.

ESTABLISHING MORE

If a property manager has a **serious** problem with crime, they may choose to consider some type of security officer to patrol the property. This could be an effective way to solve serious problems with residents.

A HIGH POLICE PRESENCE
WILL DEMONSTRATE TO
THE RESIDENTS THAT
MANAGEMENT IS SERIOUS
ABOUT ADDRESSING
PROBLEMS.



REQUESTING "EXTRA" PATROL

Frequently managers will call requesting "extra" patrol. While it never hurts to ask, it may not help either. There are many multi-family developments in Oak Forest. Many more properties than we have patrol officers. One thing they all have in common is they want extra patrol visits through their property.

Then there are the industrial parks and office buildings. They all want extra patrol, too.

And don't forget the managers of the shopping centers that call the police looking for extra patrol because a customer had a purse stolen, or a car was stolen from the lot. There are more stores than there are patrol officers.



And, of course, there are thousands of residents that want extra patrol in their residential neighborhoods. Everyone wants to see more police patrols in their neighborhoods.

There are still others that feel the police ought to spend more time writing tickets for speeders and people who don't use turn signals. There just aren't enough police officers to fill all those needs.

Unfortunately, the police officers cannot provide security for everyone who asks. Even if they could visit the property a couple of times per day, the likelihood that they would be at the right place at precisely the right time is very slim. The best efforts will include officers that can spend hours at the property. Obviously that would not be possible. We will make every effort to work with you, your residents, and your beat team (patrol officers and beat coordinator) to address your problems and work toward a solution.

NARCOTICS SURVEILLANCE

Property managers will also call the police requesting a drug enforcement officer to set up surveillance on a resident they suspect of using drugs. While managers are aware the officers are not sitting by the phone hoping somebody will call soon, managers may also not realize how many cases the detectives are actively working either.

Drug enforcement officers are highly trained and do excellent work because they have methods that work so well. Typically, they rely on a person to introduce them to a suspect whenever possible. If they can get close to an operation, they are more likely not only to make an arrest, but also to arrest several people. If the quantities are high, they are likely to get prison time for the offender. The higher up the supply line that they penetrate, the more

successful the operation.

The end user is not going to get the prison time or produce all of the other results the officers are after. They want the "bigger fish to fry." They work the more serious cases. There are more calls than the police have officers. It is a matter of prioritization.

MANAGEMENT SURVEILLANCE

You should call to report the drug activity, because you may be providing the very key information the police have been looking for. You should also document other behaviors associated with the drug activity, and serve the appropriate notices. **There are usually a string of other evictable offenses that managers overlook; trying to prove somebody is into drug activity.**

Rarely have property managers confronted residents with their suspicions, yet they call the police. When asked why they haven't confronted the resident they say, "I don't have any proof." Think about that. **The police need a whole lot more proof than the manager does. The police can't do anything without the proof either.**

IF YOU DON'T HAVE ENOUGH PROOF TO EVICT A SUSPECTED DRUG DEALER, THE POLICE DON'T HAVE ENOUGH PROOF TO ARREST THEM EITHER.



Why can't the police just watch and get the proof?

There just isn't enough time or available officers.

The better question is "Why don't the property management teams watch the resident and get the proof?" It is much easier for those who live and work on the property to watch what is going on. They know who lives at and belongs on the property; the police don't. Because management needs a lot less proof than the police do, they will get faster results civilly.

Setting up video cameras or recording license plates may provide clues, but they may also spark retaliation from the resident. Whatever action is taken, safety should always be foremost.

“BUT I’M SCARED!”

Because the potential for danger is there, **property managers should be more selective and forceful with prospective residents.** If policies are not strictly stated in the beginning, they will be harder to enforce in the end. Prevention is the key.

Most residents will stop drug activity if they find out the manager is onto them. The reason most people continue this activity is because they know the manager is afraid to confront them. Even if the police arrest a resident, you will have to evict them and others on the lease. They will come back awaiting trial in most cases.

Chapter 9

Rental Law and the Eviction Process (Forcible Entry and Detainer)

In Illinois, the law which defines the process of eviction in this state is known as the Forcible Entry and Detainer Act. The Forcible Entry and Detainer courts are known as Courts of limited Jurisdiction. This means that only claims for possession and rents can be heard. The court will not allow unrelated counter claims regarding the operation of the property. Therefore, a Forcible Entry and Detainer action is quick, simple and efficient. There are many “horror” stories about how difficult and lengthy an eviction can be. This is true in many cases when procedures are not followed. That being said, when a rental property owner/manager is prepared and follows the process, an eviction can proceed smoothly or be avoided all together. Anecdotal information from property managers and lawyers relates that in 9 out of 10 cases, after being served proper notices, the tenant moves from the unit without the need to proceed with the court hearing.

In order to ensure that your case is heard quickly, it is important that managers and landlords familiarize themselves with some of the basic procedures for proceeding with a forcible action. This type of court action can be handled by a private landlord without the assistance of an attorney. However, the court process can be complicated and confusing. It should be considered a wise and reasonable investment to hire an attorney. The retainer paid to an attorney may easily offset loses associated with a protracted eviction process for those unfamiliar with the law and court proceedings. This chapter was written with the assistance of Attorneys at Law, Laurel Hart and John H. Bickley III. This chapter should not be considered as a substitute for competent legal advice. The following is meant to provide some insight and answer some basic questions regarding the forcible process.

Resources

Cook County Clerk of the Court

<http://www.cookcountyclerkofcourt.org>

Forms utilized for evictions located selecting:

“Court Forms” and then selecting “Civil Division”

Circuit Court of Cook County

6th Municipal District (Markham)

16501 S. Kedzie

Markham, IL 60428

Clerks Office located in Room 119

Main Desk (708) 596-8000

Forcible Entry and Detainer Act (Illinois Eviction Law)

<http://www.ilga.gov/legislation/ilcs/ilcs.asp>

Select "Illinois Compiled Statutes"

Scroll to and select "Chapter 735 Civil Process"

Select "735 ILCS 5/ Code of Civil Procedure"

Scroll to and select "Article IX – Forcible Entry and Detainer" (Part 1,2, and 3)

Illinois Legal Aid (information and forms, i.e.: 5-day notice, 10-day notice, etc.)

<http://www.illinoislegalaid.org>

Search "Landlord Tenant"

When should I consider evicting a Tenant?

Non-payment of rent is an obvious reason for evicting a tenant. However, the decision to evict a tenant for failing to abide by the specific terms of a lease is a more difficult decision.

Effective property management includes the early recognition of noncompliance and immediate response to the problems associated with these behaviors. If you don't resolve problems quickly, you will find that you may jeopardize your ability to handle problems in the future. Most problem tenants exhibit noncompliance behaviors shortly after they move in. If you move quickly, you will find that tenants will stop believing that they can get away with non-compliant behaviors. Many landlords don't take action because they don't want to get involved in the legal system. However, the penalty for indecision can be high. For instance, if you accept rent from a tenant who is non-compliant you may lose your right to evict for the non-compliance at a future date. If you fail to take action against a tenant who is engaged in non-compliant behavior and that behavior later causes damage or injury to another tenant, you may find yourself liable for damages. You will also find that other residents will assume that they can also get away with similar behaviors. The end result may very well be deterioration in the value of the property and an inability to get good, high quality tenants. Don't wait. Implement a policy that ensures residents are treated fairly, yet deals with problems, in a consistent, yet forcible manner. Know your options. Understand the eviction process.

Can I evict a tenant for dealing drugs or engaging in illegal activity inside his unit?

Yes, you can. However, proving drug dealing can be difficult. In order to increase your chances of successfully evicting this type of tenant, I would also recommend that you include a drug-free addendum in your lease. Of course, its illegal to use or deal drugs, but putting it in your rental agreement reinforces the idea that property management is committed to upholding the law. The biggest hurdle you have to overcome in evicting a tenant for drug use, is providing that drug use is happening. If there has been a drug arrest in your building, the prosecuting attorney may be reluctant to allow police officers or other witnesses to testify in a civil eviction proceeding because of the fear that the criminal case may be jeopardized. There are some things that you can do to bolster your case at court. Keep accurate records. Record the number of visitors that come and go into the apartment. Keep records of every disturbance which is reported from the building.

Talk to your local police department regarding your suspicions. Ask the police to provide you with copies of police reports the tenant is taking or dealing drugs, you can probably prove that his behavior has unduly distributed other tenants and neighbors and is interfering with the neighbor's peaceful enjoyment of the premises.

Do I need an attorney?

Not necessarily. However, some areas of evictions law are very complicated and detailed. Strict compliance with the statute is necessary because eviction is a drastic remedy. An attorney that is familiar with the forcible entry and detainer act can cut down on continuances and ultimately save you money. Many eviction attorneys will charge only two or three hundred dollars for a simple eviction. As long as your lease contains a provision for recovery of attorney fees, you also may be able to have your tenant reimburse you for this cost.

If you do choose to file a forcible action without an attorney, take the time to become familiar with court procedures. Spend an hour in the forcible court before your cases is heard so that you can become familiar with the way these types of cases are handled. Many eviction cases are lost simply because the landlord is unfamiliar with the court process and does not have the proper paper work at the time of hearing.

Do I need to serve any notices on a tenant before I actually start court proceedings?

Yes. Serving proper notice on a tenant is generally a prerequisite to filing a Forcible Entry and Detainer action. Generally, the proper service of notice is "jurisdictional". This means that if you don't do it correctly, the Judge will have no choice but to dismiss your lawsuit. You will then have to start all over again. The following is a brief summary of the types of notice which can be served on a non-compliant tenant.

- A. 5-day Notice. This type of notice is served when a tenant is behind in the payment of rent. It provides that if all amounts are not paid within five days, the landlord will terminate the lease. It is important that the landlord not accept anything less than full payment of all amounts which are due and owing during this five day period unless very specific steps are followed. Partial payments may void the five day notice.

A five day notice can also be used when the tenant uses the premises for drug activity. If the tenant utilizes the leased premises for the purpose of unlawfully possessing, serving, storing, manufacturing, cultivating, delivering, using, selling, or giving away controlled substances, then the landlord has the option to void the tenant's lease. The first step in voiding the lease is the service of a five day notice that the lease is being terminated. The notice should state the reasons for eviction.

- B. 10 day notice. When a default is made in any of the terms of the lease, it is not necessary to give more than ten days notice of the landlord's intent to terminate the lease. Such a notice may be in the following form:

"You are hereby notified that in consequence of your default in "insert character of the default) of the premises now occupied by your being (here describe the premises), I have elected to terminate your lease and you are hereby notified to quit and deliver up possession of the same to me within ten days of this date."

No other notice is necessary to terminate the tenant's lease. This type of notice can be used in cases where a tenant engaged in behavior which disturbs the peace, damages property or otherwise is prohibited under the terms of the lease.

- C. 30 day notices. This notice is used to terminate a tenant who is occupying the premises on a month-to-month basis or whose lease term is close to expiration. In addition, a thirty day notice is required in order to evict a unit owner who is delinquent in the payment of condominium assessments.

How do I serve these notices?

There are three basic methods for service of a notice on a tenant. (1) You can serve the notice on the person or a person at least 13 years of age who resides in the premises. (2) The notice can be sent by certified or registered mail with a returned receipt for the tenant. (3) If not one is in actual possession of the premises, the notice can be posted on the door. Make sure that you do not serve the original notarized copy of the Notice. This portion of the Notice should be completed only after a copy has been served. The original notarized copy should be brought to court on the day of the forcible.

Now that I have made the decision that I need to have a tenant leave, what are the basic steps for evicting a tenant for non compliance with a lease?

The process is relatively simple. It is also what is called an expedited process. This means that you can obtain relief relatively quickly.

First, a tenant should be served with the appropriate notice.

Second, a Forcible Entry and Detainer action is filed.

Third, the landlord must serve the tenant.

Fourth, an order of possession should be entered at the court hearing.

Fifth, the order of possession must be placed with the Sheriff for eviction.

What forms does a landlord need to have in dealing with eviction actions?

The most frequently used forms include:

- A. Five day Notice
- B. Notice of Termination of Tenancy
- C. Forcible Entry and Detainer Complaint
- D. Forcible Summons
- E. Order of Possession
- F. Motion for special process server
- G. Affidavit for posting

Certain forms are located as a supplement following page 6 of this chapter. Additional forms can be printed from the Cook County Court Clerks web-site as noted on page 1 of this chapter.

Which courthouse do I have to use when I want to file an eviction action?

Eviction actions for Oak Forest rental units can be filed and heard at the 6th District Court in Markham (see page 1 of this chapter).

How do I actually file the case once I get to the courthouse?

The initial eviction case will be filed in the clerk's office. You will need to have your Complaint and Summons. A copy of these documents is included in this chapter. The cost for filing a forcible entry and detainer case (at the time of this printing) is generally \$294.00. After the clerk files the case, you will need to place the Summons for service.

How do I serve my tenant with the court summons.?

The most important thing you need to do is to make sure that your tenant is properly served. Once you file the case with the clerk, proceed to the Sheriffs office (also in the Markham Court House), pay their service fee and provide them the summons for service. You or your attorney may wish to check later to verify the sheriff was able to serve the summons. You could be surprised during the first court appearance when the Judge continues the case as the tenant had not been served. If you learn the Sheriff was unable to serve the tenant, you may request the Judge approve the appointment of a Special Process Server.

What should I bring to Court?

There are several documents that are absolutely essential to a forcible case. These documents should be brought to every single court call. These documents include: an executed copy of the lease, a signed copy of your Notice; a copy of our complaint; a copy of your proof of proper service on the Defendant; and any other documents which support your claim against the tenant. If your claim is for non-payment of rents, be sure and have a list of payments that have been made by the tenant. Many tenants will try and confuse the issues by producing a cancelled check and suggesting it was for payment of rent for the months in question. You may find that this check was actually used for back rental payments. Be organized. You will find that forcible court is what is commonly called a "high volume" courtroom. There may be thirty or forty cases on a typical morning court call. Watch the cases that are called before you. You will find that each judge has his or her own procedures. Try to organize your documents in a way that will complement the Judge's procedures.

What happens after I am awarded an Order of possession by the Judge?

The entry of an Order of Possession is not the end of the Forcible Action. Until the tenant is evicted, our court case has not really accomplished anything. Generally, the Judge will

enter the order and “stay execution” for a period of 7 to 14 days. This means that the Order can not be placed with the Sheriff for eviction for that period of time. After the stay has expired, the Order of Possession must be given to the Sheriff for service. The fee for eviction is \$225.00. In Cook County, it will take anywhere from two to six weeks for the Sheriff to actually come out to the unit and evict the tenant. You will also need to be available on the day of the eviction is scheduled. The Sheriff’s department may require you to be present.

I am on the Board of a Condo Association. Can we do anything about a unit that is occupied by a tenant who refuses to abide by Association rules?

Absolutely. The Condominium Property Act provides that all of the Associations declaration, bylaws and rules and regulations shall apply to a tenant and shall be incorporated into any lease executed for a unit located in the Association. The Board of managers may proceed directly against a tenant at law or in equity, or under the provisions of the forcible act, for any other breach by tenant of any covenants, rules, regulations, or bylaws. This means that even if a landlord won’t take action against a tenant who is violating Association rules, the Board can. In addition, the Board can charge back all of the attorney fees, court costs and expenses in removing the tenant from the property.

Can I do anything to protect my right to evict a tenant, even before he moves in?

Yes. Carefully drafting of your lease can increase your chances of successfully managing your tenants. Include a drug free addendum in your lease. Make it clear that drug use on the property will not be tolerated. Include a provision that clearly states that Tenants will be held responsible for the conduct of their guests as well as for their own conduct. The Illinois Supreme Court has stated that an owner can evict a tenant whose guests violate the leasing rules. Ensure that the tenant will be responsible for ensuring that anybody in his unit will conduct themselves in a manner that will not interfere with the neighbor’s peaceful enjoyment of the premises.

International Crime Free Association



C.F. Multi-Housing



C.F. Condo



C.F. Hotel / Motel



C.F. Mobile Home



C.F. Mini-Storage



C.F. Lifestyles

Dear Rental Property Owner / Manager,

The Crime Free Multi-Housing Program was born in 1992. It has since spread around the world including about 2000 communities in more than 44 of the United States.

The first annual conference for those involved in Crime Free (police personnel and private rental property managers) was held in San Diego in 1999. The conference has grown in stature and excellence since then and has traveled to Seattle, WA, Savannah, GA, Minneapolis, MN, Mesa, AZ, and Riverside, CA.

The growth of Crime Free programs around the nation and the success of the annual conference led to the formation of the non-profit ***International Crime Free Association***. For additional information, please visit the association web page at <http://www.crime-free-association.org> . Membership information is included following this page.

One benefit of membership is the Yahoo message group. Hundreds of Crime Free practitioners (law enforcement and private managers) share information and ideas. It's a wonderful forum.

Sincerely,

John Nebl
Board of Directors
International Crime Free Association

International Crime Free Association
P.O. Box 31745, Mesa, AZ 85275-1745
<http://www.crime-free-association.org>

