Chicago’s new “scofflaw list” of 98 unsafe buildings excludes hundreds of properties where city officials found life-threatening housing violations, an investigation by the Chicago Tribune and the Better Government Association has found.

The criteria for the list — designed largely to shame property owners into action — leave out many buildings the city has taken to court over safety problems as well as buildings officials consider to be vacant, among other omissions.

Mayor Lori Lightfoot’s administration compiled the list after an April BGA/Tribune report identified 61 people who died by fire in 42 buildings where the city had failed to adequately address fire safety problems.

As currently drawn, the new Building Code Scofflaw List would not have included
40 of those buildings, where fires cost 57 people their lives.

“It’s an insult,” said Eric Patton Smith, who lost a child to one of those fires and has advocated in vain ever since for a system to warn tenants they are living in buildings with safety problems known to the city.

“With small, subtle moves they’re making it so the rich and landlords can get away with whatever,” he said.

Eric Patton Smith, shown in August in the Bronzeville neighborhood, proposed safety reforms after his 7-year-old daughter, Eri’ana Patton Smith, died in a 2014 fire in her mother’s apartment in Roseland. (Armando L. Sanchez/Chicago Tribune)

Lightfoot declined to be interviewed for this report, as did her appointees in the Law Department and Buildings Department. But in an emailed response to questions, two city spokespeople said problems at properties not on the list are still a priority for City Hall.

“In addition to the scofflaw list,” the email said, “the city is utilizing other statutory tools and avenues, such as the Circuit Court, when available.”

But the exclusion of so many unsafe buildings from the scofflaw list means their
landlords will not be subjected to the additional scrutiny touted by city officials, including mandatory inspections and other sanctions.

The list is also published to the city’s data portal, where few renters are likely to see it.

To qualify for the list, each building must meet several criteria. They must:

- Be the subject of an ongoing city lawsuit for at least a year and a half.
- Have unresolved “immediate hazards” with no court-approved plan to fix them.
- Be involved in either an initiative aimed at shutting down “drug and gang houses” or one meant for “troubled buildings” which can pose dangers to residents or others.
- Not be labeled as vacant.
- Not be an owner-occupied building with four or fewer units.

City officials have put fewer than 100 buildings on the list.

A review of public records shows at least 3,400 buildings with unsafe housing conditions have been in court for more than a year and a half, but about 780 are considered vacant and almost all of the rest are excluded from the list for other reasons.

In addition, this year’s Tribune/BGA investigation found thousands of serious safety issues slipped through the city’s lax net of inspections and enforcement. Those failings mean many more unsafe buildings are not going to make the new list.

For instance, a review of nearly 600 complaints of serious violations found no evidence of an inspection in about half. Safety violations city officials have documented as “serious” range from roach infestations and broken windows to lack of heat and blocked exits.

Even when inspections were conducted and especially dangerous conditions documented, inspectors often sent warning letters or referred cases to the city hearing officers instead of the courts. The BGA and Tribune reviewed thousands
of violations involving the most serious conditions — including exposed wiring, missing smoke detectors and lack of heat — and found the city sued landlords in fewer than half of those cases.

Among the apartment buildings featured in the Tribune/BGA investigation was one where a fast-moving fire in 2014 trapped and killed four children, including Patton Smith’s daughter.

Even though the Roseland building had a yearslong history of code violations, including missing smoke detectors and broken doors, no court case was underway at the time of the fire, and it was not part of the city initiatives aimed at troubled buildings — which means it would not be eligible for the list.

Students visit a memorial at the building where four children died in a pre-dawn fire on Sept. 8, 2014. (Brian Cassella/Chicago Tribune)

Another building that would not have qualified for Lightfoot’s list was the Little Village apartment building where a fire in 2018 killed 10 children. Again, the property would not have qualified because it did not have an ongoing housing lawsuit despite inspectors finding fire safety issues years and months before the fatal fire.
At both of these properties, city inspectors repeatedly documented dangerous conditions but the resulting enforcement efforts failed to ensure fixes were made. The new list doesn’t address those broader issues with the city’s housing safety system.

Tenant advocates and citizens like Patton Smith say City Hall needs to do more — to adopt more proactive and comprehensive reforms aimed at improving inspections and enforcement.

“They’ve had this list on and off for a long time and it hasn’t done anything,” said John Bartlett, executive director of the Metropolitan Tenants Organization. “They should be doing way more than this.”

**No compliance, case closed**

Responding to the BGA/Tribune series, Lightfoot tried to pin responsibility on her predecessors, saying most of the fatal fires “took place before I came into office,” and touted her new list as a way to make buildings safer for residents.

But the list would not have helped Randy Williams, 36, who died in February — well into Lightfoot’s tenure — after a fire broke out in an Englewood two-flat with a history of fire safety problems.
The blaze started in a first-floor bedroom. Fire officials determined it was an electrical fire and said a burning mattress was found next to a space heater.

Two years earlier, in January 2019, a city inspector found residents were relying on their gas stoves because the building’s furnace was not working. The city sued the owner over the violation, and even hired an independent contractor to fix the heat problems and manage the water service at the property.

On one visit to the building, the contractor documented dangerous electrical tampering in the basement, which tenants said the owner kept off-limits. But city lawyers did not add the electrical problems to the suit.

Seventeen months after suing, the Lightfoot administration closed the case despite finding there was “no compliance,” meaning the heat issues remained.

In late 2020, a city inspector again found the furnace was out of service and first-floor tenants were using their gas stoves to keep warm. This time, a city inspector sent the owner a warning letter instead of routing the issue to court.

Without a court case, the building wouldn’t have been eligible for the list, despite
dangers city officials knew about and documented before the blaze. The property also was not part of the drug/gang house or “troubled building” initiatives, which is also necessary to qualify.

Once a building meets all the criteria to be included on Lightfoot’s list, it is supposed to be inspected at least once a year. After the lawsuit between the city and owner is over, and the property is taken off the list, the building is still subject to mandatory inspections until two consecutive inspections conducted at least six months apart find no serious issues.

At an April City Council committee meeting, Buildings Commissioner Matthew Beaudet said this “very important enhancement” would prevent buildings from falling back into disrepair. “We’re not just going to create a list and then just not do anything with it,” he said.

Properties in housing court are already supposed to receive regular inspections before each court date. The Tribune/BGA investigation found the city’s track record in conducting required inspections to be lacking, however: Building owners sued by the city over housing issues could be in court for years with no documented inspections.

The main sanction associated with the list, apart from landlords being called out publicly as “scofflaws,” is a ban on doing business with the city. This means property owners cannot receive city contracts or other funding and cannot apply for property tax reclassifications or zoning amendments. They also are banned from using any of their properties as vacation rentals.

However, the law creates exceptions that allow city officials to waive the penalty.

For example, scofflaws can still receive contracts if the city decides they are the only vendor who can provide the goods or services at the best price, or that the deal is necessary to maintain public health, safety or welfare.

The city also reserves the right to remove owners from the list at their discretion.

The ordinance bans the owners from entering into new contract agreements but does not mention how ongoing contracts should be handled.
Mayor Lori Lightfoot’s administration compiled the “scofflaw list” following a BGA/Tribune investigation in April identified 61 people who died by fire in 42 buildings where the city had failed to adequately address fire safety problems. (April Alonso for Better Government Association/Catchlight Local) That is a relevant distinction for prominent Chicago developer Elzie Higginbottom, whose companies own and manage numerous low- and moderate-income buildings in Chicago. At least two properties owned by Higginbottom’s firms are on the current list. One is in the Oakland neighborhood, a four-story building in the 4000 block of South Drexel Boulevard. The other is a three-story building on the corner of Calumet Avenue and 46th Street in the Bronzeville neighborhood.

The properties were sent to court after inspectors noted exterior violations, including broken windows, a blocked rear exit and porch and stair damage.

Companies controlled by Higginbottom have at least two active contracts with the city of Chicago for rehabilitation and property management. Records show one of those contracts was extended before the scofflaw list of owners was published.

A representative for Higginbottom did not return a call seeking comment.
Calls for more action

Bartlett, with the Metropolitan Tenants Organization, said the city could take stronger action against scofflaws, such as lodging complaints against owners’ real estate licenses or even prohibiting them from collecting rent until dangerous problems are fixed.

Housing activists, tenants and members of the City Council also have noted that the way the list is published — on the city’s data portal — means the information is unlikely to be seen by people who could benefit.

“It’s not an accessible platform for residents to know what violations are in buildings they are considering living in or buying,” Ald. Raymond Lopez, 15th, said in a recent interview. “We’re not giving residents all the information that they need to know, and the sad part is all of that is public information.”

Bartlett noted, too, that many names on the list do not belong to individuals. More than half of the 98 property owners currently on the list are entities such as LLCs, corporations, trusts and banks.

“Why don’t they show who the real owners are? LLCs are notorious ways to hide ownership,” Bartlett said.

The list isn’t designed to call out landlords who own large portfolios of properties with repeated issues, as it is based only on whether individual buildings meet the criteria.

Scofflaws are required to inform the city of all other properties they own, but city officials are not required to disclose the information to the public.

Frank Avellone, with the Lawyers’ Committee for Better Housing, said the city should try a more comprehensive change to its approach to housing safety issues.

Avellone is part of a tenant advocate coalition pushing for a three-year pilot program to inspect all Chicago rentals in two city wards. The pilot would require city funding to hire public health inspectors, while also flagging other building safety issues.

The group met with Lightfoot’s team this summer, he said. But the proactive
inspections program was not included in the mayor’s budget for the upcoming fiscal year.

“They just don’t want to do anything that in their own words, looks like it’s revenue-enhancing in a time when the budget is precarious,” said Avellone, “but the budget is always precarious.”

At a hearing Tuesday about the Building Department’s 2022 budget, Ald. Jason Ervin, 28th, questioned whether inspecting units only after receiving a complaint was the best way to improve housing conditions across the city.

“When you go into a lot of communities, stuff has been in bad shape for a number of years, and because no one has called, it is left that way and people live in substandard conditions,” Ervin said at the hearing. “People may not know any better because that’s how it’s always been.”

Ald. Gilbert Villegas, 36th, called for public hearings to evaluate the department’s handling of housing complaints, which is the main way safety issues are identified. The BGA and the Tribune found inspectors, who are not required to schedule inspections in advance, were often unable to get access to buildings when they arrived.

“If we can schedule people’s cable installation, we can schedule an inspection,” Villegas said in an interview.

Lopez told the Tribune and BGA he supports requiring building owners to register rental properties as well as regular inspections. Funding could come from the Department of Buildings’ budget for inspectors or even federal funding tied to the coronavirus pandemic, he said.

“We need to go from being complaint-driven to being proactive,” Lopez said. “We are a very reactionary government as opposed to forward leaning. We wait until the disaster hits before trying to address it.”

Analisa Trofimuk contributed to this report as an intern for the Better Government Association.