Fires Continue to Kill People in Unsafe Buildings as Chicago Ignores Problems with its Inspection System

March 10, 2023

Larry Burns had been planning a wedding reception last May in Mississippi and was looking forward to his mother coming from her home in Chicago’s Austin neighborhood.

A smart, fashionable woman who could make a mean taco salad, Herrsterstine Burns, 57, was the rock of the family, whether it was helping a loved one get clothes or co-signing a loan, her family recalled.

But in the early morning hours of April 4 last year, a fire broke out in Burns’ apartment. She was taken to the hospital with severe burns and ravaged lungs.

Three weeks later, Burns was dead. Her great-granddaughter, London, then 3,
was also injured in the fire and spent a month in the hospital with burns. For the rest of her life, London will carry those scars.

After the fire in the 500 block of North Central Avenue, investigators found that the apartment had no smoke alarms, even though records show city inspectors had visited the building as recently as early 2021 in response to tenant complaints about various issues, including water leaks and power outages. The building has a history of documented fire safety violations going back to at least 2008 with multiple visits from city inspectors over the years.

“She would have heard some smoke detectors go off in there. She would have got up,” said Burns’ granddaughter, Danielle Jones. “So I feel like … that really played a big part of my grandma losing her life.”

“The city needs to step their game up,” said Larry Burns, 39.

Chicago’s deeply flawed system for identifying and responding to life-threatening safety issues in residential buildings was exposed in a 2021 investigation by the Better Government Association and the Chicago Tribune. Reporters documented dozens of fire deaths in buildings where city regulators had been warned of potential fire hazards but failed to crack down on property owners in time.

Poor record-keeping by the Department of Buildings, inconsistent follow-through from inspectors and the lack of any proactive inspection regimen all contributed to an urgent problem that continues to put city residents in peril, nearly two years later.

In the 21 months after the BGA/Tribune investigation was published, at least 53 more people died in residential fires in Chicago. Five were in fires where the city was told of safety issues and failed to ensure the problems were addressed, according to a review of the most recently available records. Another 21 fatal fires occurred in buildings with fire safety issues that had not been inspected by the city in at least a decade — most of them on the South and West sides.
The apartment building in the 500 block of North Central Avenue has a history
of documented fire safety violations going back to at least 2008 with city inspectors visiting multiple times over the years. (Credit: Jose M. Osorio/Chicago Tribune file photo)

“There are extraordinary blind spots, and the blind spots have consequences,” said former city Inspector General Joseph Ferguson. “The entire bureaucratic system is suffused with unfunded and under-funded mandates ... and we leave inspectors and others in the system burdened with enforcement that they don’t have the resources for.”

After the investigation came out, Mayor Lori Lightfoot quickly dismissed the findings as remnants of an old system that predated her administration.

“It’s an interesting historical piece, but I have to deal with the here and now,” Lightfoot said at an April 2021 news conference. “There’s a lot that’s been done in the two years I’ve been mayor to make sure that we’re stepping up enforcement of building code violations, making sure we’ve got a streamlined process for holding people accountable and not just having a set of random lists that really mean nothing.

“So I think we have stepped up and done some very good work,” she added.

In fact, her administration has taken few steps to improve the systemic failings exposed in the investigation, which later won a Pulitzer Prize for local reporting. And Chicago residents have continued to die in fires that occur in buildings with serious safety issues that city regulators had opportunities to address.

A 66-year-old man died in a fire in April 2021 in a building in the 7900 block of South Phillips Avenue that had been previously cited for a lack of smoke alarms and a dangerous porch in need of repairs. A 67-year-old man was fatally burned in a kitchen fire in a South Shore apartment building in September 2022 that failed an inspection months earlier. And a 63-year-old woman died following an electrical fire in her Uptown home in July 2022 where previous violations for faulty wiring had gone unaddressed.

Following Lightfoot’s election loss on Feb. 28, the failed building safety system will soon be the responsibility of a different mayor — either Cook County Commissioner Brandon Johnson or former Chicago schools chief Paul Vallas, depending on the outcome of the April 4 runoff. In response to questions, both candidates expressed willingness to re-examine the system.
The Lightfoot administration, for its part, has resisted an effort from some City Council members to create the kind of proactive, regular inspection process being adopted by other U.S. cities.

The Department of Buildings has maintained an antiquated, disorganized documentation system that makes it nearly impossible to know which buildings are most dangerous, even as many peer cities maintain landlord registries.

Chicago’s existing complaint-based inspection protocol is slow and inconsistent, and the city has few options to ensure safety issues are fixed — while other cities have developed innovative and effective methods of prompting landlords to act.

In the case of Burns’ building, inspectors visited the property more than a dozen times between 2008 and 2011, city records show. The building racked up more than 50 violations, including some for exposed wires, a lack of smoke alarms and heating issues that led tenants to use their stoves to keep warm.

The city took the property owner to court in 2011, and a judge dismissed the case in 2014 after finding “substantial compliance” with orders to fix the building. Court records offer no evidence that the issues had been addressed, and city officials did not provide any documentation in response to reporters’ requests. Records obtained from the city’s 311 archive show another series of building complaints reached city officials in 2020, but the Buildings Department dismissed them after inspectors visited the property a few months later in early 2021 and indicated they found no evidence to substantiate the complaints.

Attorneys for Masada Management, which was the property manager for the Central Avenue building at the time of the fire, said in a statement that the September 2021 apartment lease had a signed acknowledgment that the unit had functional smoke and carbon monoxide detectors and that the tenant was responsible for replacing the batteries and notifying management if the devices stopped working.

**Reactive inspections**

Other cities have built more sophisticated systems to help ensure their residents are safe, with inspectors conducting routine safety checks of buildings that have a history of problems.
In Minneapolis, the municipal building inspection team uses only six out of 70 employees to respond to complaints. The rest conduct safety checks in rotations through a tiered system that prioritizes buildings with histories of violations or scofflaw landlords.
Unlike Chicago, other cities have inspectors who routinely check to ensure
 Residents are in safe buildings rather than simply responding to complaints. In Minneapolis, lead inspector Wayne Murphy points out where a fire detector has yet to be installed in a house on Feb. 10. (Credit: Craig Lassig/For the Chicago Tribune and Illinois Answers Project)

“We want to make sure that life safety is at the optimal, and that we’re not placing people at risk,” said Enrique Velázquez, director of the Minneapolis Division of Inspection Services. “We wanted to make sure the process was repeatable, and that it was fair and equitable across the entire city.”

Each building is given a score based on its inspection history. More weight is given to life safety violations, such as hazardous wiring or a lack of smoke alarms, than to such smaller issues as overgrown grass or insect infestations.

Depending on each building’s score, it may be visited by inspectors as often as every year or as seldom as every eight.

“You’re sending a signal to landlords that if you don’t maintain your property, we’ll be on your back — and if you do maintain your property, we’ll leave you alone,” said Alan Mallach with the Center for Community Progress, a Michigan-based nonprofit dedicated to neighborhood development and building regulation. Mallach called Minneapolis a “model” for building code enforcement.

Other cities, such as Boston, are required by law to conduct rolling proactive inspections over a specific time period — every five years is common.

Chicago mandates some checks for high-rise apartment buildings that are more than 80 feet tall, but the city has no policy of proactive inspections for other residential buildings.

The city’s building code used to require that every multifamily residential building three stories or taller be inspected at least once per year. But Mayor Rahm Emanuel pushed the City Council to scuttle the requirement as part of a 2017 code revamp that let officials conduct inspections “as often as deemed necessary.”

Under the existing system, building inspectors are assigned stacks of complaints every day and told to follow up on as many properties as time permits. Inspectors can easily become overwhelmed; a 2018 audit by a city watchdog office found a backlog of more than 5,000 unresolved complaints dating back as many as five
years.

City buildings officials have defended that complaint-driven process, saying it directs them to the properties needing the most attention.

Chicago Department of Buildings Commissioner Matthew Beaudet declined to be interviewed, and a spokesman for the department declined to comment when asked why the department continues to rely on complaint-based inspections. But Beaudet defended the system in an interview with the BGA and Tribune for their 2021 investigation, saying complaints “will tell us exactly where we need to be.”

Department of Buildings Commissioner Matthew Beaudet, shown here during a March 2021 inspection in Austin, has defended the city’s process, saying complaints “will tell us exactly where we need to be.” (Credit: Brian Cassella/Chicago Tribune file photo)

Any city that reacts only to complaints is “by definition” not equipped to address buildings before they become dangerous, Mallach said. It also fails to account for tenants who hesitate to complain for fear of retaliation from their landlords.

Greg Miao, a senior attorney with the California-based nonprofit research firm ChangeLab Solutions, has advocated for cities to shift to proactive housing
inspection systems, arguing that in the long run it would reduce complaints and make enforcement more manageable.

“We’re never going to get rid of a targeted enforcement program that goes after the worst of the worst,” Miao said. “One way to free up resources to do that is to get everyone else into a better situation where they’re constantly maintaining their properties.”

Eric Patton Smith, the father of a 7-year-old girl who died in a South Side apartment fire in 2014, said a proactive inspection system could have flagged the lack of a smoke alarm in the unit. Patton Smith pushed the city to toughen its regulations after his loss.

“They’re not going out in force. They’re not doing checks,” Patton Smith said. “If my baby had woken up two, three minutes earlier, we wouldn’t be here today.”

**Poor record-keeping**

Like Chicago, Philadelphia has no protocol for safety checks on buildings unless residents file complaints.

But Philadelphia officials have at least one tool that their Chicago counterparts lack: an exhaustive database of who owns every rental property.

To get a rental license in Philadelphia, “you have to tell (the city) that you’re renting, and what the unit is, and you have to pay an annual fee,” said Karen Black, a Philadelphia-based housing researcher and consultant.

Housing advocates have called on Chicago to build a similar registry as a baseline for enforcement. But Chicago officials have resisted, arguing they already have ways to determine property ownership.

Advocates counter that having a registry available would save time.

Property owners can be hidden in layers of shell companies, and contact information may lead to someone only loosely tied to the property. A landlord registry could ensure city officials have ready access to owners, and “if the person is not reasonably local, have a local agent or representative who can be reached in case of emergencies,” Mallach said.
“Let’s say there’s a fire in a building or a boiler burst in the middle of winter, and the city needs to reach someone to deal with it in a hurry.” Mallach said. “If the name and the address (in tax or deed records) says ‘Hong Kong, China,’ that’s no use.”

The city’s inadequate record-keeping on rental properties was a major conclusion of a 2018 audit of the Department of Buildings by the city’s inspector general. The audit found department employees complained of an antiquated software system that required inspectors to print 311 reports, take notes by hand in the field and return to their office to type results into a database. As a result, many serious complaints were addressed months late or dismissed prematurely, investigators found.

“It means inspectors can’t rely on the system to give them the full picture of the property, its owner, its violation history, (or) the rigor and pace of responses in the past,” Ferguson said. “You don’t have the full context, which means you really have to operate somewhat transactionally on the basis of what’s being raised in the moment.”

A follow-up report published in November 2019, six months after Lightfoot took office, found that the department had done little to improve its data collection. Despite promises to update the department’s software — which another inspector’s report called “extremely limited” and error prone — city officials have yet to adopt a new system.

A software update is expected to be wrapped up by 2025, according to a city spokesperson.

The inspector general’s audit also found that inspectors were consistently falling short of a city requirement that they investigate every complaint within three weeks of receiving it, at times taking months. Auditors found some complaints were closed without evidence the issue was addressed; others never got a response.

The inspector general’s office recommended that the department strike the three-week requirement and substitute deadlines based on its capabilities.

City leaders followed through by scuttling the requirement but did not set new goals; nor did they find a way to speed up response times.
“There’s plenty of argument or discussion to be had about whether (the response deadline) was set at the right level, or if 30 or 45 days was more appropriate,” Ferguson said. “But they didn’t do that. There was no analysis done.

Chicago building inspectors also have wide leeway in how hard they crack down on landlords with code violations. Sociologist Robin Bartram noted the phenomenon in her 2022 book “Stacked Decks,” for which she shadowed Chicago building inspectors for months.

With more than 1,100 potential violations on the books, the city’s building code “demands discretionary decisions,” Bartram wrote. “Some issues are more easily quantifiable. … More often, though, it is down to inspectors to decide what conditions amount to a violation.”

She found inspectors took seriously their responsibility to cite collapsing porches, missing smoke alarms or other dangerous conditions, and many take “stabs at justice” by cracking down on landlords they perceive to be more affluent than small-time property owners.

But the decisions by inspectors, most of whom are white men, affect which properties are prioritized. An analysis by Bartram of violations and 311 complaints in the city between 2006 and 2015 found that building complaints were overwhelmingly concentrated in South and West side neighborhoods, such as Englewood and North Lawndale. Inspectors, however, used their discretion to cite more violations per complaint on the North and Northwest sides than they did on the South Side.

The subjective system is a red flag for Miao.

“Moving away from wide discretion by individuals is really important,” Miao said. “We get a lot of inconsistency, it sometimes has some racial or socioeconomic overlays to how that discretion is exercised, it’s hard to track and it leads to a lot of bitter feelings on everyone’s part.”

**Lack of follow-up**

Another recent instance of the city’s inconsistent inspections and failure to follow up involves the fatal fire on May 12, 2021, at an apartment complex in the 7900 block of South Maryland Avenue. Richard Bramwell, 78, died in the fire from
burns and smoke inhalation, records show.

The building had a history of lax enforcement after repeated findings of violations, according to records. For instance, on March 3, 2016, the building failed an inspection for lacking smoke detectors and having exposed electrical outlets.

On April 15, 2019, the building racked up numerous violations, including a note to “install an emergency lighting system.” The case was closed, but individual violations were marked as open and it was noted as an “active case” in the Department of Buildings’ overview of inspection history.

On Jan. 6, 2020, the building once again failed an inspection because of violations that included the obstruction of an exit way. Inspectors noted the property owners should install and maintain approved smoke detectors and carbon monoxide detectors.

There were no working smoke detectors in the downstairs unit where Bramwell inhaled a fatal dose of smoke, according to fire department records.

Shacara Montgomery, 31, saw the effects of the Maryland Avenue fire firsthand, as her grandparents, Lovelace and Evelyn Montgomery, Bramwell’s upstairs neighbors, are just now getting back on their feet after the fire drove them out of their home.

“It’s been a long year and a half with them not having anywhere to stay of their own,” Shacara Montgomery said.

Her grandparents heard their smoke detectors go off the night of the fire, which is why they made it out in time, she said. “I think that if they didn’t have them, she wouldn’t have made it out ... and he would have stayed back with her,” she said.

Other cities have systems in place to ensure enforcement.

When a Los Angeles landlord resists a city order to fix an unsafe building, it triggers a long chain of events designed to spur the property owner to action.

The Los Angeles Housing Department can enter the property into a city program that lets some tenants immediately halve their rent payments and send any additional money into an escrow account that landlords can access only to pay for
repairs. Or the department can invoke its urgent repairs program in which the city hires its own contractors to fix life-threatening hazards and sends the landlord the bill.

Those processes grew out of an enforcement program that Los Angeles leaders developed in the 1990s to crack down on negligent landlords.

The new program “was important because we found that a lot of tenants were intimidated and scared to complain about conditions ... they feared eviction, and if they were undocumented, they feared immigration issues,” said Larry Gross, executive director of the Los Angeles-based nonprofit Coalition for Economic Survival. “So this took the burden off the tenants and protected them from repercussions from a landlord who would target them for complaining.”

Gross, whose organization was recruited by the city of Los Angeles to help promote the new program to tenants, said the programs have been successful. “I’ve always been bewildered by Chicago,” Gross said. “New York and L.A. have all these programs — how does Chicago not?”

One of the only options available to Chicago officials — other than to drag landlords to court — is to place them on the city’s Building Code Scofflaw List.

The list dates back to 2015, when Patton Smith, whose daughter had died one year earlier, lobbied the Emanuel administration for an ordinance that would have required landlords to post color-coded signs outside their buildings noting their violation histories.
Eric Patton Smith, shown in 2020, pushed the city to toughen its safety regulations and improve enforcement after his 7-year-old daughter died in a fire at a South Side apartment with no smoke detector. (Credit: Armando L. Sanchez/Chicago Tribune file photo)

Instead, the City Council passed an ordinance to stop city contracts being awarded to anyone on a list of so-called problem landlords.

“I thought, OK, it’s a start,” Patton Smith said. “It puts the onus on these real estate owners, and hell, it may save some people.”

The city abandoned the list less than two years later.

“In hindsight, I wish I would have told them to do the color coding or nothing,” Patton Smith said.

The Lightfoot administration revived the scofflaw list in 2021 shortly before the BGA/Tribune investigation was published.

The list includes only properties that have been tied up in housing court for at least 18 months or that have been documented by the Buildings Department to have “immediate hazards.” It excludes owner-occupied properties with four or fewer units, and it fails to include unsafe buildings that have either flown under
the city’s radar or have escaped legal scrutiny.

Chicago landlords whose buildings are on the list are ineligible for city incentives, including tax breaks or zoning changes, and are subject to annual inspections. But there are no other penalties.

Patton Smith wrote an October 2021 op-ed excoriating the measure, which he derided in a later interview as Lightfoot’s “scapegoat list.”

The list, updated once every six months, currently includes 271 properties. None has been the site of a fatal fire since 2021.

“The list doesn’t have any actual teeth to it, and if you’re on it, it’s just like, who cares?” said John Bartlett, director of the Chicago-based Metropolitan Tenants Organization, a local tenants’ rights group, also known as MTO. “And they don’t even get the worst landlords on there.”

Chicago officials have also touted the city’s Troubled Buildings Initiative, which works with private nonprofits to scoop up derelict properties from negligent or under-resourced landlords and convey them to responsible developers for demolition and reconstruction. City officials have loose criteria for buildings to be included in the program and are referred by individuals in one corner of the city’s bureaucracy or another, according to Anthony Simpkins, president and CEO of Neighborhood Housing Services of Chicago, which helps facilitate the program.

“Department of Buildings inspectors may say, ‘We’ve got a particularly troubled building,’ and we get a lot of referrals from aldermen,” Simpkins said. Like the rest of the city’s inspection and enforcement regime, the initiative is “complaint-driven,” he said.

Advocates propose a solution

Some momentum is building for a proactive inspection system in Chicago.

MTO led the effort to draft a plan to establish a rental registry and gradually implement proactive inspections. The proposal, introduced to the City Council in December, was partly inspired by the system in Los Angeles, advocates said.

Its first major step would create a registry of rental housing units to keep track of building ownership. Landlords would be required to pay a registration fee to
support the program, but landlords in owner-occupied buildings with six units or fewer would be exempt if they meet certain income standards.

The registry would lay the groundwork for the main thrust of the ordinance: a pilot program for proactive, periodic building inspections. The checks would be conducted by a new team of building inspectors housed under the Chicago Department of Public Health.

The three-year pilot program would be implemented in three wards — the 20th Ward on the South Side, the 22nd Ward on the Southwest Side and the 49th Ward on the Far North Side — and then potentially expanded throughout the city.

Instead of investigating all possible violations, the inspections would focus on a more pared-down list of issues critical to tenant safety, such as smoke alarms, adequate heating, lead paint exposure and water leaks.

The ordinance would also set a clear timeline for resolving code violations.

Critics of the ordinance say the plan would be too expensive and is not feasible in a city as large as Chicago.

Lightfoot said during a Feb. 16 news conference that she had not read the ordinance.

“What you’re suggesting is, I think, potentially a burden on homeowners, but I’d like to see the details of it,” the mayor said when asked by a reporter. “As with all legislation, the devil is in the details. But certainly, we’ve been very aggressive when we’ve seen bad buildings, both commercial and residential, and we’ll continue to be aggressive on that front.”

A spokesman for the Chicago Department of Public Health declined to answer when asked for the department’s position on the proposed ordinance.

Ferguson, the former inspector general, argues that “Chicago is perfectly capable” of conducting proactive safety inspections.
“It’s a matter of culture and it’s a matter of political will,” Ferguson said.

Arguments that proactive inspections are too expensive or aren’t feasible are often “red herrings,” said Miao, the policy researcher.

“The story is pretty consistent, that when these programs first go out, they catch a heck of a lot of things,” Miao said. “And then they slowly work basically as an incentive to lift the boat of all the housing stock in the community.”

Other critics of the Healthy Homes ordinance say regular inspections would be invasive for tenants who don’t want city officials showing up unannounced. The implementation of proactive inspections in north suburban Zion was met with a lawsuit and, ultimately, a federal consent decree that barred the city from punishing landlords and tenants who refuse to allow inspectors entry.

The proposed Healthy Homes ordinance requires that Chicago landlords give tenants seven days’ advance written notice before an inspection. Landlords could reschedule proactive inspections up to 14 days before the original date. Tenants could leave notes for the inspector if they are not home.

Authors of the ordinance sought to insulate it from legal challenges by specifying that inspectors would need warrants if both tenants and landlords deny entry.

A spokesman for Johnson said in a statement Wednesday that the candidate supports the creation of an apartment registry and a proactive building safety inspection system “so long as it does not place an undue burden on residents and does not violate their privacy.”

A spokesperson for Vallas’ campaign did not respond to a request for comment. But the candidate wrote in a January Tribune questionnaire that he would order a “comprehensive evaluation” of the city’s building inspection and enforcement system to align the city with national best practices and to improve safety.
Patton Smith shows a photo of his late daughter in a locket around his neck. He’s been disappointed with the city’s efforts to improve building inspections. “Politicians get elected, and you’d like them to do something, to show that they care. But I don’t see them doing anything.” (Credit: Armando L. Sanchez/Chicago Tribune file photo)

Patton Smith said he does not blame Lightfoot, her Buildings Department or the City Council for the city’s failing building enforcement system. But he does blame them for doing nothing to fix it.

“It may have been happening before you got there, but when you come in as mayor, this problem gets put on your plate,” Patton Smith said. “Politicians get elected, and you’d like them to do something, to show that they care. But I don’t see them doing anything.”

This story is a collaboration between the Chicago Tribune and the Illinois Answers Project, a nonpartisan investigations and solutions journalism news organization, published by the Better Government Association. Alex Nitkin and Kelli Duncan are reporters with the Illinois Answers Project; Adriana Pérez is a Chicago Tribune reporter. Tribune reporter Robert McCoppin also contributed to this story.