



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2057

Introduced 2/10/2017, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-25008

from Ch. 34, par. 5-25008

70 ILCS 905/15.5 new

410 ILCS 625/3.7 new

Amends the Public Health District Act. Provides that a board of health, and its medical health officer or administrator, may not regulate private residential leaseholds (a private residential structure not open to the public which is leased to more than one person and contains a communal kitchen used by the lessees and guests of the lessees) unless it regulates private single-family residential property in a similar manner. Amends the Counties Code and the Food Handling Regulation Enforcement Act making similar changes. Limits home rule powers.

LRB100 11324 AWJ 21698 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 5-25008 as follows:

6 (55 ILCS 5/5-25008) (from Ch. 34, par. 5-25008)

7 Sec. 5-25008. Jurisdiction of department. Each county and
8 multiple-county health department has jurisdiction for the
9 purposes of this Division throughout the entire county or
10 multiple counties, except within:

11 1. Any public health district organized under "An Act
12 to authorize the organization of public health districts
13 and for the establishment and maintenance of a health
14 department for the same," filed June 26, 1917, as amended;

15 2. Any city, village or incorporated town or
16 combination thereof of less than 500,000 inhabitants which
17 city, village, incorporated town or combination thereof or
18 public health district maintains a local health department
19 and employs a full-time health officer and other
20 professional personnel possessing such qualifications as
21 may be prescribed by the State Department of Public Health;

22 3. Any city, village or incorporated town of 500,000 or
23 more inhabitants.

1 In addition, a county or multiple-county health department
2 does not have jurisdiction over private residential leaseholds
3 unless it regulates private single-family residential property
4 in a similar manner. As used in this Section, "private
5 residential leasehold" means a private residential structure
6 not open to the public which is leased to more than one person
7 and contains a communal kitchen used by the lessees and guests
8 of the lessees. A home rule unit may not regulate private
9 residential leaseholds in a manner inconsistent with this
10 paragraph. This paragraph is a limitation under subsection (i)
11 of Section 6 of Article VII of the Illinois Constitution on the
12 concurrent exercise by home rule units of powers and functions
13 exercised by the State.

14 (Source: P.A. 86-962.)

15 Section 10. The Public Health District Act is amended by
16 adding Section 15.5 as follows:

17 (70 ILCS 905/15.5 new)

18 Sec. 15.5. Private residential leaseholds. A board of
19 health, and its medical health officer or administrator, may
20 not regulate private residential leaseholds unless it
21 regulates private single-family residential property in a
22 similar manner. As used in this Section, "private residential
23 leasehold" means a private residential structure not open to
24 the public which is leased to more than one person and contains

1 a communal kitchen used by the lessees and guests of the
2 lessees.

3 Section 15. The Food Handling Regulation Enforcement Act is
4 amended by adding Section 3.7 as follows:

5 (410 ILCS 625/3.7 new)

6 Sec. 3.7. Private residential leaseholds.

7 (a) As used in this Section, "private residential
8 leasehold" means a private residential structure not open to
9 the public which is leased to more than one person and contains
10 a communal kitchen used by the lessees and guests of the
11 lessees.

12 (b) Notwithstanding any other provision of law, the
13 Department of Public Health and the health department of a unit
14 of local government may not regulate private residential
15 leaseholds unless it regulates private single-family
16 residential property in a similar manner.