



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2602

Introduced 10/18/2023, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

765 ILCS 705/25 new

Amends the Landlord and Tenant Act. Requires every landlord who leases a lower-level unit that has flooded at least once in the last 10 years to maintain flood insurance on the rental property that covers both the building and the contents of the building, including the personal property of tenants. Provides that if a landlord fails to maintain flood insurance, and flooding occurs that results in damage to the tenant's personal property, affects the habitability of the leased property, or affects the tenant's access to the leased property, the tenant may: (1) terminate the lease by giving written notice to the landlord no later than the 30th day after the flood occurred and the landlord shall return all rent and fees paid in advance no later than the 15th day after the tenant gave notice; and (2) bring an action against the landlord of the property to recover damages for personal property lost or damaged as a result of flooding.

LRB103 34559 LNS 64394 b

1 AN ACT concerning civil law.

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

4 Section 5. The Landlord and Tenant Act is amended by
5 adding Section 25 as follows:

6 (765 ILCS 705/25 new)

7 Sec. 25. Flood insurance required.

8 (a) As used in this Section:

9 "Flood" and "Flooding" mean a general or temporary
10 condition of partial or complete inundation of a dwelling or
11 property caused by:

12 (1) the overflow of inland or tidal waves;

13 (2) the unusual and rapid accumulation of runoff or
14 surface waters from any established water source such as a
15 river, stream, or drainage ditch; or

16 (3) rainfall.

17 "Lower-level unit" means any garden level unit, basement
18 level unit, or first floor level unit.

19 (b) Every landlord who leases a lower-level unit that has
20 flooded at least once in the last 10 years shall maintain flood
21 insurance on the rental property that covers both the building
22 and the contents of the building, including the personal
23 property of tenants.

1 (c) If a landlord fails to maintain flood insurance as
2 required under this Section, and flooding occurs that results
3 in damage to the tenant's personal property, affects the
4 habitability of the leased property, or affects the tenant's
5 access to the leased property, the tenant may:

6 (1) terminate the lease by giving written notice to
7 the landlord no later than the 30th day after the flood
8 occurred and the landlord shall return all rent and fees
9 paid in advance no later than the 15th day after the tenant
10 gave notice; and

11 (2) bring an action against the landlord of the
12 property to recover damages for personal property lost or
13 damaged as a result of flooding.