



Sen. Mike Porfirio

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10300SB2602sam001

LRB103 34559 JRC 69979 a

1 AMENDMENT TO SENATE BILL 2602

2 AMENDMENT NO. _____. Amend Senate Bill 2602 by replacing
3 everything after the enacting clause with the following:

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.

1 "Lower-level unit" means any garden level unit, basement
2 level unit, or first floor level unit.

3 (b) Every landlord who leases a lower-level unit that has
4 flooded at least once in the last 10 years shall maintain flood
5 insurance on the rental property that covers both the building
6 and the contents of the building.

7 (c) If a landlord fails to maintain flood insurance as
8 required under this Section, and flooding occurs that results
9 in damage to the tenant's personal property, affects the
10 habitability of the leased property, or affects the tenant's
11 access to the leased property, the tenant may:

12 (1) terminate the lease by giving written notice to
13 the landlord no later than the 30th day after the flood
14 occurred and the landlord shall return all rent and fees
15 paid in advance no later than the 15th day after the tenant
16 gave notice; and

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

20 (d) Exemptions. This Section does not apply to farm
21 leases, concession leases, and rental properties owned or
22 managed by the Department of Natural Resources.

23 (e) This Section may not be interpreted to permit the
24 renting, leasing, or subleasing of lower-level units in a
25 municipality if the municipality does not permit the renting,
26 leasing, or subleasing of such units."