

1 AN ACT concerning housing.

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

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Section 12-5.1 as follows:

6 (720 ILCS 5/12-5.1) (from Ch. 38, par. 12-5.1)

7 Sec. 12-5.1. Criminal housing management.

8 (a) A person commits the offense of criminal housing
9 management when, having personal management or control of
10 residential real estate, whether as a legal or equitable owner
11 or as a managing agent or otherwise, he recklessly permits the
12 physical condition or facilities of the residential real estate
13 to become or remain in any condition which endangers the health
14 or safety of any person.

15 (a-5) A landlord, or his or her agent, commits the offense
16 of criminal housing management when, under any agreement,
17 whether written or verbal, the landlord or agent charges a
18 tenant for gas, water, or electrical utility service and:

19 (1) the landlord or agent fails to pay the utility
20 company for the service, resulting in termination of that
21 utility service to the tenant's residence; and

22 (2) the termination of utility service is not corrected
23 within 24 hours after it was terminated, unless the delay
24 is caused by an act of God or other occurrence through no
25 fault of the landlord or agent; and

26 (3) the termination of utility service endangers the
27 health or safety of the tenant or a member of the tenant's
28 household.

29 Nothing in this subsection (a-5) is intended to authorize
30 the resale of water, gas, or electrical service if that resale
31 is otherwise prohibited.

32 (a-6) In this Section:

1 "Agreement" includes leases, oral agreements, and any
2 other understandings or contracts reached between a landlord
3 and a tenant.

4 "Landlord" includes the owner of a building containing 3 or
5 more residential units, the owner's agent, and the lessor of a
6 building containing 3 or more residential units.

7 "Tenant" includes occupants of a building or mobile home,
8 whether under a lease or periodic tenancy.

9 "Utility company" includes all suppliers of utility
10 service, including municipalities.

11 "Utility service" includes electric, gas, water, or
12 sanitary utility service rendered by a utility company to a
13 tenant at a specific location.

14 (b) Sentence.

15 A first conviction for a violation of subsection (a)
16 ~~Criminal housing management~~ is a Class A misdemeanor. A
17 subsequent conviction for a violation of subsection (a) is a
18 Class 4 felony.

19 A first conviction for a violation of subsection (a-5) is a
20 petty offense. A second conviction for a violation of
21 subsection (a-5) is a business offense subject to a fine not to
22 exceed \$1,500. A third or subsequent conviction for a violation
23 of subsection (a-5) is a Class A misdemeanor.

24 (Source: P.A. 85-341.)