



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5170

by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

New Act

Creates the Relocation Assistance Act. Provides that if a governmental entity notifies a landlord that a dwelling unit will be condemned or will be unlawful to occupy due to conditions that violate applicable codes, statutes, or ordinances, a landlord shall pay relocation assistance to a displaced tenant, unless the condemnation action or no occupancy order results from a natural disaster, a tenant's illegal conduct, or eminent domain. Provides that the landlord shall pay relocation assistance to a displaced tenant of \$2,000 per dwelling unit or 3 times the monthly rent, whichever is greater, plus the deposit, interest, and prepaid rent by certified check within 7 days after the governmental entity sent the notice to the landlord. Provides that if the landlord fails to timely complete these payments, a municipality or a county may advance the payments to a displaced tenant and assess a civil penalty of \$50 per day against the landlord for each tenant to whom the municipality or county advanced a payment. Provides that the municipality or county may sue to recover the assistance paid, interest, penalties, attorney's fees, and costs. Provides that in an action against a landlord to recover unpaid obligations, a displaced tenant shall recover costs and attorney's fees. Effective immediately.

LRB095 17845 AJO 43924 b

1 AN ACT in relation to civil law.

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

4 Section 1. Short title. This Act may be cited as the
5 Relocation Assistance Act.

6 Section 5. Relocation assistance. If a municipality or
7 government agency responsible for the enforcement of building,
8 housing, health and safety, or other appropriate codes,
9 statutes, or ordinances, has notified the landlord that a
10 dwelling unit will be condemned or will be unlawful to occupy
11 due to conditions that violate applicable codes, statutes, or
12 ordinances, a landlord shall pay relocation assistance to the
13 displaced tenants of the dwelling unit.

14 Section 10. Exceptions to relocation assistance. A
15 landlord is not required to pay relocation assistance to a
16 displaced tenant if the condemnation action or no occupancy
17 order directly results from conditions arising from a natural
18 disaster, conditions caused by a tenant's illegal conduct
19 without the landlord's prior knowledge, or the acquisition of
20 the property by eminent domain.

21 Section 15. Relocation assistance; timing and form of

1 payment.

2 (a) Relocation assistance provided to a displaced tenant
3 under this Act shall be \$2,000 per dwelling unit or 3 times the
4 monthly rent, whichever is greater. In addition to relocation
5 assistance, the landlord shall pay to a displaced tenant the
6 entire amount of any deposit paid by the tenant, any interest
7 due on the security deposit, and all prepaid rent.

8 (b) The landlord shall pay relocation assistance and any
9 paid security deposit, any interest due on the security
10 deposit, and any prepaid rent to a displaced tenant within 7
11 days after the landlord receives notice from the governmental
12 agency under Section 5. The landlord shall pay relocation
13 assistance and any prepaid deposit and prepaid rent either by
14 making individual payments by certified check to a displaced
15 tenant or by providing a certified check to the governmental
16 agency or municipality for distribution to a displaced tenant.

17 Section 20. Local government action.

18 (a) If a landlord fails to complete payment of relocation
19 assistance as required under Section 15, a municipality or
20 county in which the dwelling unit is located may advance the
21 cost of the relocation assistance to a displaced tenant.

22 (b) If a municipality or county advances the cost of
23 relocation assistance funds to a displaced tenant and a
24 landlord fails to repay the amount of relocation assistance
25 advanced by the municipality or county, the municipality or

1 county shall assess a civil penalty against the landlord in the
2 amount of \$50 per day for each tenant to whom the municipality
3 or county has advanced a relocation assistance payment. In
4 addition, interest shall accrue on the amount of relocation
5 assistance paid by the municipality or county for which the
6 landlord has not reimbursed the municipality or county.

7 (c) If a municipality or county must initiate legal action
8 to recover the amount of relocation assistance payments that it
9 has advanced to a tenant, including any interest and penalties
10 under this Section, a municipality or county is entitled to
11 attorney's fees and costs arising from its legal action.

12 Section 25. Tenant recovery. In any action brought by a
13 displaced tenant to recover any payments or damages required or
14 authorized by this Act that are not paid by the landlord or
15 advanced by a municipality or county, the displaced tenant is
16 also entitled to recover the tenant's costs of suit and
17 reasonable attorney's fees.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.