



Sen. Michael Noland

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LRB095 16664 LCT 49061 a

1 AMENDMENT TO SENATE BILL 2745

2 AMENDMENT NO. _____. Amend Senate Bill 2745 on page 3, by
3 replacing lines 1 through 15 with the following:

4 "The amendatory Act of 1975 is not a limit on any home rule
5 unit.

6 For the purposes of this Act, "student rental dwellings"
7 shall refer to any property leased, let, or allowed in exchange
8 of some form of consideration to a full-time or part-time
9 student at a university, college, or community college for
10 residential purposes. No person shall lease, let, or otherwise
11 allow in exchange for any consideration a student rental
12 dwelling, unless that property has been inspected by the fire
13 chief, or a subordinate delegated by the fire chief, of the
14 municipality or fire protection district.

15 Any person who leases to another any rental dwelling on or
16 before the effective date this amendatory Act of the 95th
17 General Assembly may continue leasing said rental dwelling

1 until the fire chief, or a subordinate delegated by the fire
2 chief, of the municipality or fire protection district has had
3 the opportunity to inspect such rental dwelling. After the
4 initial inspection, which must not reveal any violations
5 presenting an imminent threat to the life, health, or safety of
6 the residents of the rental dwelling, a rental dwelling may
7 continue to be leased until the next mandatory inspection,
8 which shall occur not more than 3 years subsequent to the
9 previous inspection.

10 Should the student rental dwelling cease to be lease, let,
11 or otherwise allowed in exchange for any consideration to a
12 full-time or part-time student at a university, college, or
13 community college, the provisions of this Act pertaining to the
14 inspection of student rental dwellings shall not apply.

15 The fire chief, or a subordinate delegated by the fire
16 chief, of the municipality or fire protection district is
17 hereby authorized (i) to conduct inspections of, and (ii) to
18 enter, examine and survey, any student rental dwelling, or unit
19 thereof, within any municipality or fire protection district
20 that contains, in whole or in part, a university, college, or
21 community college, or that has a university, college, or
22 community college within one mile of the boundaries of the
23 municipality or fire protection district for purposes of
24 determining and ensuring compliance with the fire and life
25 safety codes in force in the municipality or fire protection
26 district. All inspections shall occur at reasonable hours

1 except in emergency situations where the life, health, or
2 safety of any individual is threatened.

3 All student rental dwellings shall be inspected by the fire
4 chief, or a subordinate delegated by the fire chief, of the
5 municipality or fire protection district at least once every 3
6 years.

7 Inspections may occur more frequently provided there is:
8 (1) reasonable suspicion to believe that there exists within
9 such rental dwelling conditions that present a threat to the
10 health, safety, welfare, or general comfort of the resident or
11 residents of such rental dwelling; (2) a complaint lodged by
12 the resident or residents of the rental dwelling to be
13 inspected; (3) a request made by a prospective resident
14 accompanied by the consent of the owner (or owner's agent) of
15 the rental dwelling to be inspected; or (4) a request made by
16 the owner or owner's agent.

17 Every owner or owner's agent of any rental dwelling shall
18 provide access to such student rental dwelling, or any unit
19 thereof, to the fire chief, or a subordinate delegated by the
20 fire chief, for purposes of inspecting the rental dwelling or
21 unit thereof for compliance with the fire and life safety codes
22 in force in the municipality or fire protection district.
23 Either the owner, the owner's agent, or the occupant shall
24 accompany the inspector during the inspection.

25 Notice shall be given to the owner or the owner's agent and
26 the occupant of the rental dwelling or unit thereof at least

1 120 hours in advance of such inspection, except in for
2 inspections based upon: (1) reasonable suspicion to believe
3 that there exists within such rental dwelling conditions that
4 present a threat to the health, safety, welfare, or general
5 comfort of the resident or residents of such rental dwelling;
6 (2) a complaint lodged by the resident or residents of the
7 rental dwelling to be inspected; or (3) a request made by the
8 owner or owner's agent.

9 Notice of inspection shall be provided to both the owner or
10 owner's agent and occupant and may consist of a letter sent by
11 first class mail, personal service, telephone call or, for
12 occupants only, the posting of a door hanger upon the door knob
13 of the rental dwelling. The form of notice shall be the
14 municipality's or fire protection district's discretion
15 provided, however, the form used substantially achieves the
16 purpose of this notice requirement. Where a rental dwelling is
17 occupied by more than one person, notice to one occupant shall
18 be deemed notice to all occupants of the rental dwelling.

19 Any person owning, managing, or supervising any student
20 rental dwelling shall within 90 days of the effective date of
21 this amendatory Act of the 95th General Assembly or within 30
22 days of assuming ownership, management, or supervision of any
23 rental dwelling, whichever date is later, inform the
24 municipality on a form approved by the municipality of such
25 residential dwelling.

26 Every owner of any student rental dwelling, or unit

1 thereof, who does not reside on the premises of such rental
2 dwelling shall appoint and designate an individual to act as an
3 agent in his or her behalf. Every owner shall notify, in
4 writing, the municipality and each occupant of the rental
5 dwelling, of the name, address, and telephone number of the
6 agent. Such written notice shall contain the signature of the
7 agent accepting appointment and designation as agent of the
8 owner.

9 Any individual, who is appointed and designated as agent of
10 the owner, shall reside within the county containing, in whole
11 or in part, the university, college, or community college, or
12 any other county that adjoins it. An owner of a rental dwelling
13 may act as his or her own agent provided he or she meets the
14 residency requirements set forth in this Section.

15 Each occupant of a rental dwelling shall give the owner
16 thereof, his or her agent, or the fire chief, or a subordinate
17 delegated by the fire chief access to the rental dwelling, or
18 unit thereof under their control, to conduct inspections
19 authorized by this Act.

20 Each occupant of a rental dwelling shall give the owner
21 thereof, or his or her agent or employees, access to any part
22 of such rental dwelling at all reasonable times for the purpose
23 of making such repairs or alterations as are necessary to
24 effect compliance with the provisions of this Act.

25 There shall be no cost, fee, or charge assessed by the
26 municipality, fire protection district, university, college,

1 or community college for the initial inspection of any student
2 rental dwelling pursuant to this Act. Should violations of the
3 fire and life safety codes in force in the municipality or fire
4 protection district be found, and should such violations not be
5 corrected by the time of the second inspection, the owner shall
6 be subject to a fee of \$50 for the inspection and each
7 subsequent inspection until such violation is corrected. This
8 fee is payable to the applicable municipality or fire
9 protection district.

10 Any inspection fees remaining unpaid after 2 weeks shall be
11 a debt due and owing the applicable municipality or fire
12 protection district and, as such, may be collected in
13 accordance with applicable law."