



Sen. Michael Noland

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LRB095 16664 LCT 49467 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 dwelling"  
7 means any property leased, let, or allowed in exchange of some  
8 form of consideration to a full-time or part-time student at a  
9 university, college, or community college for residential  
10 purposes. The fire chief, or the fire chief's designated  
11 subordinate, of any municipality or fire protection district  
12 that contains, in whole or in part, a university, college, or  
13 community college, or that has a university, college, or  
14 community college within one mile of the boundaries of the  
15 municipality or fire protection district, may inspect any  
16 student rental dwellings within its corporate boundaries to  
17 determine and ensure compliance with the fire and life safety

1 codes in force in the municipality or fire protection district.

2 Any person who leases to another any student rental  
3 dwelling on or before the effective date of this amendatory Act  
4 of the 95th General Assembly may continue leasing said student  
5 rental dwelling until the fire chief, or the fire chief's  
6 designated subordinate, inspects such student rental dwelling.  
7 After the inspection, which must not reveal any violations  
8 presenting an imminent threat to the life, health, or safety of  
9 the residents of the student rental dwelling, a student rental  
10 dwelling may continue to be leased until the next inspection,  
11 which may occur not more than 3 years subsequent to the  
12 previous inspection.

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

18 The fire chief, or the fire chief's designated subordinate,  
19 of the municipality or fire protection district is hereby  
20 authorized (i) to conduct inspections of, and (ii) to enter,  
21 examine and survey, any student rental dwelling, or a unit  
22 thereof, within any municipality or fire protection district  
23 that contains, in whole or in part, a university, college, or  
24 community college, or that has a university, college, or  
25 community college within one mile of the boundaries of the  
26 municipality or fire protection district for purposes of

1 determining and ensuring compliance with the fire and life  
2 safety codes in force in the municipality or fire protection  
3 district. All inspections shall occur at reasonable hours  
4 except in emergency situations where the life, health, or  
5 safety of any individual is threatened.

6 All student rental dwellings may be inspected by the fire  
7 chief, or the fire chief's designated subordinate, of the  
8 municipality or fire protection district not more than once  
9 every 3 years, except as otherwise provided in this Section.

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

20 Should it be requested, every owner or owner's agent of any  
21 student rental dwelling shall provide access to such student  
22 rental dwelling, or a unit thereof, to the fire chief, or the  
23 fire chief's designated subordinate, for purposes of  
24 inspecting the student rental dwelling or a unit thereof for  
25 compliance with the fire and life safety codes in force in the  
26 municipality or fire protection district. Either the owner, the

1 owner's agent, or the occupant shall accompany the inspector  
2 during such an inspection.

3 If such an inspection is requested by the fire chief, or  
4 the fire chief's designated subordinate, notice shall be given  
5 to the owner or the owner's agent and the occupant of the  
6 student rental dwelling or a unit thereof at least 120 hours in  
7 advance of such inspection, except for inspections based upon:  
8 (1) reasonable suspicion to believe that there exists within  
9 such student rental dwelling conditions that present a threat  
10 to the health, safety, welfare, or general comfort of the  
11 resident or residents of such student rental dwelling; (2) a  
12 complaint lodged by the resident or residents of the student  
13 rental dwelling to be inspected; or (3) a request made by the  
14 owner or owner's agent.

15 Notice of inspection shall be provided to both the owner or  
16 owner's agent and the occupant and may consist of a letter sent  
17 by first class mail, personal service, telephone call or, for  
18 occupants only, the posting of a door hanger upon the door knob  
19 of the student rental dwelling. The form of notice shall be at  
20 the discretion of the municipality or fire protection district  
21 if the form used substantially achieves the purpose of this  
22 notice requirement. If a student rental dwelling is occupied by  
23 more than one person, notice to one occupant shall be deemed  
24 notice to all occupants of the student rental dwelling.

25 At the request of the fire chief, or the fire chief's  
26 designated subordinate, any person owning, managing, or

1 supervising any student rental dwelling shall inform the  
2 municipality on a form approved by the municipality of such  
3 student rental dwelling. Such a request shall take the form of  
4 a letter sent by first class mail, personal service, or by  
5 telephone call from the fire chief, or the fire chief's  
6 designated subordinate, to the person owning, managing, or  
7 supervising the student rental dwelling. In addition, if the  
8 fire chief, or the fire chief's designated subordinate, chooses  
9 to inspect any student rental dwellings pursuant to this Act,  
10 he or she shall cause notice to be published, in a newspaper of  
11 general circulation within the territory, stating that owners  
12 of student rental dwellings shall report to the municipality  
13 such student rental dwelling, not less than 10 days before the  
14 commencement of the inspection process pursuant to this Act.

15 Every owner of any student rental dwelling, or a unit  
16 thereof, who does not reside on the premises of such student  
17 rental dwelling shall appoint and designate an individual to  
18 act as an agent in his or her behalf. Every owner shall notify,  
19 in writing, the municipality and each occupant of the student  
20 rental dwelling of the name, address, and telephone number of  
21 the agent. Such written notice shall contain the signature of  
22 the agent accepting appointment and designation as agent of the  
23 owner.

24 Any individual who is appointed and designated as agent of  
25 the owner shall reside within the county containing, in whole  
26 or in part, the university, college, or community college or

1 any other county that adjoins it. An owner of a student rental  
2 dwelling may act as his or her own agent if he or she meets the  
3 residency requirements set forth in this Section.

4 Each occupant of a student rental dwelling shall give the  
5 owner thereof, his or her agent, or the fire chief, or the fire  
6 chief's designated subordinate, access to the student rental  
7 dwelling, or a unit thereof under the occupant's control, to  
8 conduct inspections authorized by this Act.

9 Each occupant of a student rental dwelling shall give the  
10 owner thereof, or his or her agent or employees, access to any  
11 part of such student rental dwelling at all reasonable times  
12 for the purpose of making such repairs or alterations as are  
13 necessary to effect compliance with the provisions of this Act.

14 There shall be no cost, fee, or charge assessed by the  
15 municipality, fire protection district, university, college,  
16 or community college for the initial inspection of any student  
17 rental dwelling pursuant to this Act. If violations of the fire  
18 and life safety codes in force in the municipality or fire  
19 protection district are found, and if such violations are not  
20 corrected by the time of the next inspection, the owner shall  
21 be subject to a fee of \$50 for the inspection and each  
22 subsequent inspection until such violation is corrected. This  
23 fee is payable to the applicable municipality or fire  
24 protection district.

25 Any inspection fees remaining unpaid after 2 weeks shall be  
26 a debt due and owing the applicable municipality or fire

1 protection district and, as such, may be collected in  
2 accordance with applicable law."