



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1496

Introduced 2/20/2015, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

55 ILCS 5/Div. 5-45 heading new
55 ILCS 5/5-45001 new
65 ILCS 5/11-5.4-1 new

Amends the Counties Code and the Illinois Municipal Code. Provides that the county board or corporate authority of any non-home rule county or municipality may adopt a crime free rental housing ordinance for the purpose of reducing crime in residential areas. The ordinance may include, but is not limited to, requirements for property owners to obtain a valid residential rental license, submit to a public safety and crime prevention inspection, attend a crime safety and prevention training program, include an addendum in rental agreements regarding criminal behavior by the tenant, conduct background checks on prospective tenants, and submit to periodic inspections of the rental property. Provides that the ordinance may also include provisions for violations of the ordinance. Prohibits waiver or modification of the lease agreement to avoid provisions in the ordinance. Further provides that any ordinance enacted under this Section does not apply to any facility licensed or inspected by the State of Illinois or the federal government, with the exception of mobile home parks. Effective immediately.

LRB099 09698 AWJ 29907 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Division
5 5-45 as follows:

6 (55 ILCS 5/Div. 5-45 heading new)

7 Division 5-45. Crime Free Rental Housing Ordinances

8 (55 ILCS 5/5-45001 new)

9 Sec. 5-45001. Crime free rental housing ordinance. The
10 county board of a non-home rule county may adopt a crime free
11 rental housing ordinance for the purpose of reducing crime,
12 including drugs and gang-related activities, in residential
13 areas. The county sheriff or other county employees may
14 administer and enforce the ordinance.

15 (a) A crime free rental housing ordinance may include, but
16 is not limited to, the following:

17 (1) a requirement that a property owner obtain a valid
18 residential rental license from the county in order to rent
19 any dwelling unit or renew an existing lease for a dwelling
20 unit;

21 (2) a requirement that a property owner submit to a
22 public safety and crime prevention inspection and attend a

1 training program or seminar concerning crime prevention
2 before he or she may obtain a residential rental license;

3 (3) a requirement that any lease entered into for
4 residential property located in the county include a
5 provision or an addendum that prohibits a tenant, a
6 tenant's family member, or a guest of the tenant from
7 engaging in, facilitating, or permitting any
8 quasi-criminal or criminal activity as defined by federal,
9 State, or local law, including providing that the violation
10 of such a provision permits a landlord to initiate eviction
11 proceedings, notwithstanding any provision of the lease to
12 the contrary;

13 (4) a requirement that on and after the effective date
14 of the crime free rental housing ordinance a property owner
15 must conduct a background check on a person prior to
16 entering into or renewing an agreement to lease rental
17 property to that person;

18 (5) a requirement that a property owner submit to
19 periodic inspections of his or her rental property to
20 ensure compliance with applicable laws and regulations;
21 and

22 (6) penalties for violating the ordinance.

23 (b) For the purposes of this Section, "tenant" means a
24 tenant, subtenant, lessee, sublessee, or other person entitled
25 to possession, occupancy, or benefits of a residential rental
26 property.

1 (c) Prohibition of waiver or modification. The provisions
2 of any ordinance enacted under this Section may not be waived
3 or modified in any lease or separate agreement.

4 (d) Exclusions. This Section does not apply to any facility
5 that is licensed or inspected by the State of Illinois or the
6 federal government. However, any ordinance enacted under this
7 Section shall apply to mobile home parks, as defined in Section
8 2.5 of the Mobile Home Park Act.

9 Section 10. The Illinois Municipal Code is amended by
10 adding Section 11-5.4-1 as follows:

11 (65 ILCS 5/11-5.4-1 new)

12 Sec. 11-5.4-1. Crime free rental housing ordinance. The
13 corporate authorities of a non-home rule municipality may adopt
14 a crime free rental housing ordinance for the purpose of
15 reducing crime, including drugs and gang-related activities,
16 in residential areas. The municipality's police department or
17 other municipal employees may administer and enforce the
18 ordinance.

19 (a) A crime free rental housing ordinance may include, but
20 is not limited to, the following:

21 (1) a requirement that a property owner obtain a valid
22 residential rental license from the municipality in order
23 to rent any dwelling unit or renew an existing lease for a
24 dwelling unit;

1 (2) a requirement that a property owner submit to a
2 public safety and crime prevention inspection and attend a
3 training program or seminar concerning crime prevention
4 before he or she may obtain a residential rental license;

5 (3) a requirement that any lease entered into for
6 residential property located in the municipality include a
7 provision or an addendum that prohibits a tenant, a
8 tenant's family member, or a guest of the tenant from
9 engaging in, facilitating, or permitting any
10 quasi-criminal or criminal activity as defined by federal,
11 State, or local law, including providing that the violation
12 of such a provision permits a landlord to initiate eviction
13 proceedings, notwithstanding any provision of the lease to
14 the contrary;

15 (4) a requirement that on and after the effective date
16 of the crime free rental housing ordinance a property owner
17 must conduct a background check on a person prior to
18 entering into or renewing an agreement to lease rental
19 property to that person;

20 (5) a requirement that a property owner submit to
21 periodic inspections of his or her rental property to
22 ensure compliance with applicable laws and regulations;
23 and

24 (6) penalties for violating the ordinance.

25 (b) For the purposes of this Section, "tenant" means a
26 tenant, subtenant, lessee, sublessee, or other person entitled

1 to possession, occupancy, or benefits of a residential rental
2 property.

3 (c) Prohibition of waiver or modification. The provisions
4 of any ordinance enacted under this Section may not be waived
5 or modified in any lease or separate agreement.

6 (d) Exclusions. This Section does not apply to any facility
7 that is licensed or inspected by the State of Illinois or the
8 federal government. However, any ordinance enacted under this
9 Section shall apply to mobile home parks, as defined in Section
10 2.5 of the Mobile Home Park Act.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.