

1 AN ACT concerning disclosure of utility services to be
2 provided by landlords.

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

5 Section 5. The Rental Property Utility Service Act is
6 amended by changing Section 1 as follows:

7 (765 ILCS 735/1) (from Ch. 80, par. 62)

8 Sec. 1. Utility payments; termination and restoration of
9 service. Whenever, pursuant to any agreement, either written or
10 verbal, a landlord or his or her agent is required to pay for
11 any water, gas or electrical service, the landlord shall pay
12 for the services to ensure that the services are available to
13 the tenant throughout the term of the lease and shall pay for
14 the services in a timely manner so as not to cause an
15 interruption of the services. If ~~and~~ the landlord or his or her
16 agent does not pay for such service, the tenant, or tenants in
17 the event more than one tenant is served by a common system of
18 water, gas or electrical service, including electrical service
19 to common areas, which goes through a common meter in a single
20 building, may either (i) terminate the lease; however, the
21 termination of the lease under this Section does not absolve
22 the landlord or tenant from any obligations that have arisen
23 under the lease prior to its termination under this Section; or
24 (ii) pay for such service if the nonpayment jeopardizes the
25 continuation of the service to the tenant or tenants, as the
26 case may be. The utility company shall not terminate service
27 for such nonpayment until the utility company mails, delivers
28 or posts a notice as specified in Section 3 to all tenants of
29 buildings with 3 or more residential apartments. Upon receipt
30 of such payment of the past due cost of such water, gas or
31 electrical service owed by the landlord, the provider of such
32 service shall immediately restore service to such tenant or

1 tenants. In the alternative, the provider of such service shall
2 immediately restore and continue such service to any tenant who
3 (a) requests that the utility put the bill in his or her name;
4 (b) establishes satisfactory credit references or provides for
5 and pays a security deposit pursuant to the rules and
6 regulations of the Illinois Commerce Commission applicable to
7 applicants for new utility service; and (c) agrees to pay
8 future bills. Any sums the tenant or tenants, as the case may
9 be, pay for water, gas or electrical service that the landlord
10 or his or her agent was required to pay may be deducted from
11 the rent due by the tenant or tenants, and the total rent is
12 diminished by the amount the tenant or tenants, as the case may
13 be, have paid for the continuation of the water, gas or
14 electrical service.

15 (Source: P.A. 87-177.)