



Adopted in House Comm. on May 28, 2004

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LRB093 07550 LCB 51572 a

1 AMENDMENT TO SENATE BILL 431

2 AMENDMENT NO. _____. Amend Senate Bill 431 by replacing
3 everything after the enacting clause with the following:

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

6 (765 ILCS 735/1) (from Ch. 80, par. 62)

7 Sec. 1. Utility payments; termination and restoration of
8 service. Whenever, pursuant to any agreement, either written or
9 verbal, a landlord or his or her agent is required to pay for
10 any water, gas or electrical service, the landlord shall pay
11 for the services to ensure that the services are available to
12 the tenant throughout the term of the lease and shall pay for
13 the services in a timely manner so as not to cause an
14 interruption of the services. If ~~and~~ the landlord or his or her
15 agent does not pay for such service, the tenant, or tenants in
16 the event more than one tenant is served by a common system of
17 water, gas or electrical service, including electrical service
18 to common areas, which goes through a common meter in a single
19 building, may either (i) terminate the lease; however, the
20 termination of the lease under this Section does not absolve
21 the landlord or tenant from any obligations that have arisen
22 under the lease prior to its termination under this Section; or
23 (ii) pay for such service if the nonpayment jeopardizes the
24 continuation of the service to the tenant or tenants, as the

1 case may be. The utility company shall not terminate service
2 for such nonpayment until the utility company mails, delivers
3 or posts a notice as specified in Section 3 to all tenants of
4 buildings with 3 or more residential apartments. Upon receipt
5 of such payment of the past due cost of such water, gas or
6 electrical service owed by the landlord, the provider of such
7 service shall immediately restore service to such tenant or
8 tenants. In the alternative, the provider of such service shall
9 immediately restore and continue such service to any tenant who
10 (a) requests that the utility put the bill in his or her name;
11 (b) establishes satisfactory credit references or provides for
12 and pays a security deposit pursuant to the rules and
13 regulations of the Illinois Commerce Commission applicable to
14 applicants for new utility service; and (c) agrees to pay
15 future bills. Any sums the tenant or tenants, as the case may
16 be, pay for water, gas or electrical service that the landlord
17 or his or her agent was required to pay may be deducted from
18 the rent due by the tenant or tenants, and the total rent is
19 diminished by the amount the tenant or tenants, as the case may
20 be, have paid for the continuation of the water, gas or
21 electrical service. Nothing in this Section shall be construed
22 as authorizing the resale of electrical service.
23 (Source: P.A. 87-177.)".