



Rep. Will Guzzardi

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10200HB0116ham002

LRB102 04091 AWJ 25334 a

1 AMENDMENT TO HOUSE BILL 116

2 AMENDMENT NO. _____. Amend House Bill 116 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Rent Control Preemption Act is amended by
5 changing Sections 5 and 10 and by adding Section 6 as follows:

6 (50 ILCS 825/5)

7 Sec. 5. Rent control prohibited; exceptions.

8 (a) A unit of local government, as defined in Section 1 of
9 Article VII of the Illinois Constitution, shall not enact,
10 maintain, or enforce an ordinance or resolution that would
11 have the effect of controlling the amount of rent charged for
12 leasing private residential or commercial property.

13 (b) This Act does not impair the right of a unit of local
14 government to manage and control residential property in which
15 the unit of local government has a property interest.

16 (c) The prohibition in subsection (a) does not apply where

1 voters of a unit of local government have approved a
2 referendum under Section 6.

3 (Source: P.A. 90-313, eff. 8-1-97.)

4 (50 ILCS 825/6 new)

5 Sec. 6. Petition and ordinance or resolution for rent
6 control regulation by a unit of local government.

7 (a) Legal voters of a unit of local government may, by
8 petition, propose a referendum to determine whether the unit
9 of local government shall no longer be prohibited from
10 enacting, maintaining, or enforcing an ordinance or resolution
11 that would have the effect of controlling the amount of rent
12 charged for leasing private residential or commercial
13 property. Such a petition shall, at least 104 days before an
14 election, be filed in the office of the clerk of such unit of
15 local government and contain the signatures of not less than
16 8% of the total votes cast for candidates for Governor in the
17 preceding gubernatorial election by the registered voters of
18 the unit of local government. The referendum shall
19 substantially be in the following form: "Shall (unit of local
20 government) be permitted to enact, maintain, or enforce an
21 ordinance or resolution that would have the effect of
22 controlling the amount of rent charged for leasing private
23 residential or commercial property?". The referendum shall be
24 submitted to the voters of the unit of local government at the
25 next election at which such referendum may be voted upon.

1 (b) Legal voters of a district, precinct, ward, or other
2 similar subdivision of a unit of local government may, by
3 petition, propose a referendum to determine whether the unit
4 of local government shall no longer be prohibited from
5 enacting, maintaining, or enforcing an ordinance or resolution
6 that would have the effect of controlling the amount of rent
7 charged for leasing private residential or commercial property
8 within that district, precinct, ward, or similar subdivision.
9 Such a petition shall, at least 104 days before an election, be
10 filed in the office of the clerk of such unit of local
11 government and contain the signatures of not less than 16% of
12 the legal voters registered with the board of election
13 commissioners or county clerk, as the case may be, from the
14 district, precinct, ward, or similar subdivision. The
15 referendum shall substantially be in the following form:
16 "Shall (unit of local government) be permitted to enact,
17 maintain, or enforce an ordinance or resolution that would
18 have the effect of controlling the amount of rent charged for
19 leasing private residential or commercial property within
20 (district, precinct, ward, or other similar subdivision)?".
21 The referendum shall be submitted to the voters of the
22 district, precinct, ward, or other similar subdivision of the
23 unit of local government at the next election at which such
24 referendum may be voted upon.

25 (c) The referendum shall be submitted to the voters under
26 subsection (a) or (b) when the petition has been filed in

1 proper form with the clerk. If more than one set of petitions
2 are presented to the clerk for submission at the same
3 election, the petition presented first shall be given
4 preference; however, the clerk shall provisionally accept any
5 other set of petitions setting forth the same (or
6 substantially the same) referendum. If the first set of
7 petitions for a referendum is found to be in proper form and is
8 not found to be invalid, it shall be accepted by the clerk and
9 all provisionally accepted sets of petitions setting forth the
10 same (or substantially the same) referendum shall be rejected
11 by the clerk. If the first set of petitions for a referendum is
12 found not to be in proper form or is found to be invalid, the
13 clerk shall (i) reject the first set of petitions, (ii) accept
14 the first provisionally accepted set of petitions that is in
15 proper form and is not found to be invalid, and (iii) reject
16 all other provisionally accepted sets of petitions setting
17 forth the same (or substantially the same) referendum. Notice
18 of the filing of the petition and the result of the election
19 shall be given to the Secretary of State. A return of the
20 result of the election shall be made to the clerk of the unit
21 of local government. If a majority of the voters voting upon
22 such referendum vote "YES", the unit of local government shall
23 be exempt from subsection (a) of Section 5 either for the
24 entire unit or for the district, precinct, ward, or similar
25 subdivision stated in the referendum.

26 (d) If a unit of local government chooses to adopt an

1 ordinance or resolution, or enforce an existing ordinance,
2 under this Section that would have the effect of controlling
3 the amount of rent charged for leasing private residential or
4 commercial property, it may also take measures to address the
5 economic impact of such an ordinance or resolution upon
6 owner-occupied residential properties of 6 or fewer units.

7 (50 ILCS 825/10)

8 Sec. 10. Home rule preemption.

9 A home rule unit may not regulate or control the amount of
10 rent charged for leasing private residential or commercial
11 property in a manner inconsistent with this Act. This Section
12 is a denial and limitation of home rule powers and functions
13 under subsection (i) ~~(g)~~ of Section 6 of Article VII of the
14 Illinois Constitution.

15 (Source: P.A. 90-313, eff. 8-1-97.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."