



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4059

Introduced 4/6/2021, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

765 ILCS 735/1.2

from Ch. 80, par. 62.2

Amends the Rental Property Utility Service Act. Provides that upon the written request of a prospective tenant, the utility company shall make available to the landlord of the unit information consisting of the charges incurred at the unit for utility services for the preceding 2 years. Provides that the information shall be identified by the address of the unit, and no other information identifying the owner, tenant, or other occupant of the unit shall be used for, or made available in connection with, the furnishing of billing information. Provides that the information shall be furnished to both the landlord and to the prospective tenant.

LRB102 11971 LNS 17307 b

1 AN ACT concerning civil law.

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

4 Section 5. The Rental Property Utility Service Act is
5 amended by changing Section 1.2 as follows:

6 (765 ILCS 735/1.2) (from Ch. 80, par. 62.2)

7 Sec. 1.2. Certain tenant-paid utility payment arrangements
8 prohibited; Notice of change in payment arrangement.

9 (a) No landlord shall rent or cause to be rented any unit
10 in which the tenant is responsible by agreement, implication,
11 or otherwise for direct payment for utility service to the
12 utility company and in which the utility company billing for
13 that service includes any service to common areas of the
14 building or other units or areas used or occupied by persons
15 other than the individual tenant and those occupying the unit
16 with the tenant on the utility account, unless, before
17 offering an initial lease or a renewal lease, accepting a
18 security deposit, or otherwise entering into an agreement with
19 the prospective tenant to let the premises:

20 (1) The landlord provides the prospective tenant with
21 a written statement setting forth the specific areas of
22 the building and any appurtenances that are served by the
23 meter that will be in the tenant's name and the nature of

1 the utility uses of those areas, including any that have
2 not been reflected in past utility company billings but
3 that may arise (such as the rental of a neighboring unit
4 that has been vacant, the installation of washers and
5 driers in the basement, or the use of the garage for
6 mechanics);

7 (2) The landlord provides the prospective tenant with
8 copies of the utility bills for the unit for the previous
9 12 months, unless waived by the tenant in writing;

10 (3) The landlord neither suggests nor requires the
11 tenant to collect any money for utility bills from
12 neighboring tenants whose utility usage will be reflected
13 in the prospective tenant's utility company billings; and

14 (4) The landlord sets forth in writing the amount of
15 the proposed rent reduction, if any, that is offered to
16 compensate for the tenant's payments for utility usage
17 outside of the tenant's unit.

18 (a-5) Upon the written request of a prospective tenant,
19 the utility company shall make available to the landlord of
20 the unit, prior to the offering of an initial lease or a
21 renewal lease, accepting a security deposit, or otherwise
22 entering into an agreement with the prospective tenant to let
23 the unit, information consisting of the charges incurred at
24 the unit for utility services for the preceding 2 years. The
25 information shall be identified by the address of the unit,
26 and no other information identifying the owner, tenant, or

1 other occupant of the unit shall be used for, or made available
2 in connection with, the furnishing of billing information. The
3 information shall be furnished to both the landlord and to the
4 prospective tenant.

5 (b) No landlord shall request or cause to be effected a
6 change (i) from landlord-paid master metered utilities to
7 tenant-paid individually metered utilities or (ii) from
8 landlord-paid to tenant-paid utilities, regardless of the
9 metering arrangement, during the term of a lease. The landlord
10 shall provide a minimum of 30 days notice to each affected
11 tenant before effecting such a change in service; for tenants
12 under a lease, the notice shall be provided to the tenants no
13 less than 30 days before the expiration of the lease term. This
14 subsection does not prohibit the landlord and tenant from
15 agreeing to amend the lease to effect such a change; the
16 amendment must be in writing and subscribed by both parties.

17 (c) Any term or condition in a rental agreement between
18 the landlord and the tenant that is inconsistent with this
19 Section is void and unenforceable.

20 (d) Nothing in this Section affects the relationship
21 between a utility company and its customers.

22 (Source: P.A. 87-178.)