



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2601

Introduced 10/18/2023, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

765 ILCS 705/25 new

Amends the Landlord and Tenant Act. Requires every landlord to clearly disclose to each of the landlord's tenants in writing prior to signing the lease for the rental property that a rental property is located in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area and if the landlord has actual knowledge that the rental property or any portion of the parking areas of the real property containing the rental property has been subjected to flooding and the frequency of such flooding. Provides that if a landlord fails to comply with such provision and the tenant subsequently becomes aware that the property is located in the FEMA Special Flood Hazard Area the tenant may terminate the lease by giving written notice of termination to the landlord no later than the 30th day after the flood occurred, and the landlord shall return all rent and fees paid in advance no later than the 15th day after the tenant gave notice. Requires every landlord who leases a lower-level unit to clearly disclose to each of the landlord's lower-level unit tenants in writing prior to the signing of the lease for the lower-level unit if the lower-level unit or any portion of the real property containing the lower-level unit has experienced flooding in the last 10 years and shall disclose the frequency of such flooding. Provides that if a landlord fails to comply with either of the above provisions and flooding occurs that results in damage to the tenant's personal property, affects the habitability of the leased property, or affects the tenant's access to the leased property, the tenant may: (1) terminate the lease by giving written notice to the landlord no later than the 30th day after the flood occurred and the landlord shall return all rent and fees paid in advance no later than the 15th day after the tenant gave notice; and (2) bring an action against the landlord of the property to recover damages for personal property lost or damaged as a result of flooding. Provides a sample written disclosure.

LRB103 34558 LNS 64393 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 Landlord and Tenant Act is amended by
5 adding Section 25 as follows:

6 (765 ILCS 705/25 new)

7 Sec. 25. Disclosure of potential flooding in rental and
8 lease agreements.

9 (a) As used in this Section:

10 "Flood" and "Flooding" mean a general or temporary
11 condition of partial or complete inundation of a dwelling or
12 property caused by:

13 (1) the overflow of inland or tidal waves;

14 (2) the unusual and rapid accumulation of runoff or
15 surface waters from any established water source such as a
16 river, stream, or drainage ditch; or

17 (3) rainfall.

18 "Lower-level unit" means any garden level unit, basement
19 level unit, or first floor level unit.

20 (b) Every landlord shall clearly disclose to each of the
21 landlord's tenants in writing prior to signing the lease for
22 the rental property that a rental property is located in the
23 Federal Emergency Management Agency (FEMA) Special Flood

1 Hazard Area ("100-year floodplain") and if the landlord has
2 actual knowledge that the rental property or any portion of
3 the parking areas of the real property containing the rental
4 property has been subjected to flooding and the frequency of
5 such flooding. Such disclosure shall also be included in the
6 written lease or the written renewal lease and shall be signed
7 by both parties.

8 (c) Every landlord who leases a lower-level unit shall
9 clearly disclose to each of the landlord's lower-level unit
10 tenants in writing prior to the signing of the lease for the
11 lower-level unit if the lower-level unit or any portion of the
12 real property containing the lower-level unit has experienced
13 flooding in the last 10 years and shall disclose the frequency
14 of such flooding. Such disclosure shall also be included in
15 the written lease or the written renewal lease and shall be
16 signed by both parties.

17 (d) The written disclosure shall look substantially
18 similar to the following:

19 "(Landlord) [] is or [] is not aware that the rental
20 property is located in a FEMA Special Flood Hazard Area
21 ("100-year floodplain"). The property has experienced flooding
22 [] times in the last 10 years. Even if the rental property is
23 not in a Special Flood Hazard Area ("100-year floodplain"),
24 the dwelling may still be susceptible to flooding. The Federal
25 Emergency Management Agency (FEMA) maintains a flood map on
26 its Internet website that is searchable by address, at no

1 cost, to determine if a dwelling is located in a flood hazard
2 area.

3 (Landlord) [] is or [] is not aware that the rental
4 property you are renting has flooded at least once in the last
5 10 years. The rental property has flooded [] times in the last
6 10 years. Even if the dwelling has not flooded in the last 10
7 years, the dwelling may still be susceptible to flooding.

8 Most tenant insurance policies do not cover damages or
9 loss incurred in a flood. You are encouraged to examine your
10 policy to determine whether you are covered. If you are not,
11 flood insurance may be available through FEMA's National Flood
12 Insurance Program to cover your personal property in the event
13 of a flood. Information regarding flood risks can be found at
14 the dnr.illinois.gov (Illinois Department of Natural
15 Resources), fema.gov (FEMA), and ready.gov/flood (U.S.
16 National public service).

17 Landlords are required to disclose the above information
18 pursuant to Section 25 of the Landlord and Tenant Act. A
19 landlord's failure to comply with Section 25 of the Landlord
20 and Tenant Act shall entitle the tenant to remedies as defined
21 in that Section.

22

23 (Tenant Signature) (Date)

24

25 (Landlord Signature) (Date)"

26 (e) If a landlord fails to comply with subsection (a), and

1 the tenant subsequently becomes aware that the property is
2 located in the FEMA Special Flood Hazard Area ("100-year
3 floodplain") the tenant may terminate the lease by giving
4 written notice of termination to the landlord no later than
5 the 30th day after the flood occurred, and the landlord shall
6 return all rent and fees paid in advance no later than the 15th
7 day after the tenant gave notice.

8 If a landlord fails to comply with subsection (a) or
9 subsection (b) and flooding occurs that results in damage to
10 the tenant's personal property, affects the habitability of
11 the leased property, or affects the tenant's access to the
12 leased property, the tenant may:

13 (1) terminate the lease by giving written notice to
14 the landlord no later than the 30th day after the flood
15 occurred and the landlord shall return all rent and fees
16 paid in advance no later than the 15th day after the tenant
17 gave notice; and

18 (2) bring an action against the landlord of the
19 property to recover damages for personal property lost or
20 damaged as a result of flooding.