



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Jacqueline Y. Collins - Miguel del Valle - Don Harmon, Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

New Act

Creates the Residential Tenants' Right to Repair Act. Provides that, if a repair is required under a residential lease agreement or required under a law, rule, or ordinance and the reasonable cost of the repair does not exceed the lesser of \$500 or one-half of the monthly rent, the tenant may notify the landlord in writing of the tenant's intention to have the repair made at the landlord's expense. Provides that, if the landlord fails to make the repair within 14 days or more promptly in an emergency the tenant may have the repair made and, after submitting a paid bill to the landlord, deduct from his or her rent the amount of the bill, subject to specified limitations. Sets forth exceptions and provisions concerning mechanics lien laws. Provides that a home rule unit may not regulate residential lease agreements in a manner that diminishes the rights of tenants under the Act.

LRB093 20652 WGH 46501 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT in relation to property.

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

4 Section 1. Short title. This Act may be cited as the
5 Residential Tenants' Right to Repair Act.

6 Section 5. Repair; deduction from rent. If a repair is
7 required under a residential lease agreement or required under
8 a law, administrative rule, or local ordinance or regulation,
9 and the reasonable cost of the repair does not exceed the
10 lesser of \$500 or one-half of the monthly rent, the tenant may
11 notify the landlord in writing of the tenant's intention to
12 have the repair made at the landlord's expense. If the landlord
13 fails to make the repair within 14 days after being notified by
14 the tenant in writing, or more promptly as conditions require
15 in the case of an emergency, the tenant may have the repair
16 made in a workmanlike manner and in compliance with the
17 appropriate law, administrative rule, or local ordinance or
18 regulation and, after submitting to the landlord a paid bill
19 from an appropriate tradesman or supplier unrelated to the
20 tenant, deduct from his or her rent the amount of the bill, not
21 to exceed the limits specified by this Section and not to
22 exceed the reasonable price then customarily charged for the
23 repair. A tenant may not repair at the landlord's expense if
24 the condition was caused by the deliberate or negligent act or
25 omission of the tenant, a member of the tenant's family, or
26 another person on the premises with the tenant's consent.

27 Section 10. Exceptions.

28 (a) This Act does not apply to public housing as defined in
29 Section 3(b) of the United States Housing Act of 1937, as
30 amended from time to time, and any successor Act.

31 (b) This Act does not apply to condominiums.

1 (c) This Act does not apply to not-for-profit corporations
2 organized for the purpose of residential cooperative housing.

3 (d) This Act does not apply to tenancies other than
4 residential tenancies.

5 Section 15. Mechanics lien laws. For purposes of mechanics
6 lien laws, repairs performed or materials furnished pursuant to
7 this Act shall not be construed as having been performed or
8 furnished pursuant to authority of or with permission of the
9 landlord.

10 Section 20. Home rule. A home rule unit may not regulate
11 residential lease agreements in a manner that diminishes the
12 rights of tenants under this Act. This Section is a limitation
13 under subsection (i) of Section 6 of Article VII of the
14 Illinois Constitution on the concurrent exercise by home rule
15 units of powers and functions exercised by the State.