



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1155

Introduced 1/24/2013, by Sen. Thomas Cullerton

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-440001 new  
65 ILCS 5/11-5.4-1 new

Amends the Counties Code and the Illinois Municipal Code. Provides that the county board or corporate authority of any non-home rule county or municipality may adopt a crime free rental housing ordinance for the purpose of reducing crime in residential areas. The ordinance may include, but is not limited to, requirements for property owners to obtain a valid residential rental license, submit to a public safety and crime prevention inspection, attend a crime safety and prevention training program, include an addendum in rental agreements regarding criminal behavior by the tenant, conduct background checks on prospective tenants, and submit to periodic inspections of the rental property. Provides that the ordinance may also include provisions for violations of the ordinance. Prohibits waiver or modification of the lease agreement to avoid provisions in the ordinance. Further provides that any ordinance enacted under this Section does not apply to any facility licensed or inspected by the State of Illinois or the federal government, with the exception of mobile home parks. Effective immediately.

LRB098 05556 OMW 35593 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section  
5 5-440001 as follows:

6 (55 ILCS 5/5-440001 new)

7 Sec. 5-440001. Crime free rental housing ordinance. The  
8 county board of a non-home rule county may adopt a crime free  
9 rental housing ordinance for the purpose of reducing crime,  
10 including drugs and gang-related activities, in residential  
11 areas. The county sheriff or other county employees may  
12 administer and enforce the ordinance.

13 (a) A crime free rental housing ordinance may include, but  
14 is not limited to, the following:

15 (1) a requirement that a property owner obtain a valid  
16 residential rental license from the county in order to rent  
17 any dwelling unit or renew an existing lease for a dwelling  
18 unit;

19 (2) a requirement that a property owner submit to a  
20 public safety and crime prevention inspection and attend a  
21 training program or seminar concerning crime prevention  
22 before he or she may obtain a residential rental license;

23 (3) a requirement that any lease entered into for

1 residential property located in the county include a  
2 provision or an addendum that prohibits a tenant, a  
3 tenant's family member, or a guest of the tenant from  
4 engaging in, facilitating, or permitting any  
5 quasi-criminal or criminal activity as defined by federal,  
6 State, or local law, including providing that the violation  
7 of such a provision permits a landlord to initiate eviction  
8 proceedings, notwithstanding any provision of the lease to  
9 the contrary;

10 (4) a requirement that on and after the effective date  
11 of the crime free rental housing ordinance a property owner  
12 must conduct a background check on a person prior to  
13 entering into or renewing an agreement to lease rental  
14 property to that person;

15 (5) a requirement that a property owner submit to  
16 periodic inspections of his or her rental property to  
17 ensure compliance with applicable laws and regulations;  
18 and

19 (6) penalties for violating the ordinance.

20 (b) For the purposes of this Section, "tenant" means a  
21 tenant, subtenant, lessee, sublessee, or other person entitled  
22 to possession, occupancy, or benefits of a residential rental  
23 property.

24 (c) Prohibition of waiver or modification. The provisions  
25 of any ordinance enacted under this Section may not be waived  
26 or modified in any lease or separate agreement.

1       (d) Exclusions. This Section does not apply to any facility  
2       that is licensed or inspected by the State of Illinois or the  
3       federal government. However, any ordinance enacted under this  
4       Section shall apply to mobile home parks, as defined in Section  
5       2.5 of the Mobile Home Park Act.

6       Section 10. The Illinois Municipal Code is amended by  
7       adding Section 11-5.4-1 as follows:

8           (65 ILCS 5/11-5.4-1 new)

9       Sec. 11-5.4-1. Crime free rental housing ordinance. The  
10      corporate authorities of a non-home rule municipality may adopt  
11      a crime free rental housing ordinance for the purpose of  
12      reducing crime, including drugs and gang-related activities,  
13      in residential areas. The municipality's police department or  
14      other municipal employees may administer and enforce the  
15      ordinance.

16      (a) A crime free rental housing ordinance may include, but  
17      is not limited to, the following:

18           (1) a requirement that a property owner obtain a valid  
19           residential rental license from the municipality in order  
20           to rent any dwelling unit or renew an existing lease for a  
21           dwelling unit;

22           (2) a requirement that a property owner submit to a  
23           public safety and crime prevention inspection and attend a  
24           training program or seminar concerning crime prevention

1 before he or she may obtain a residential rental license;

2 (3) a requirement that any lease entered into for  
3 residential property located in the municipality include a  
4 provision or an addendum that prohibits a tenant, a  
5 tenant's family member, or a guest of the tenant from  
6 engaging in, facilitating, or permitting any  
7 quasi-criminal or criminal activity as defined by federal,  
8 State, or local law, including providing that the violation  
9 of such a provision permits a landlord to initiate eviction  
10 proceedings, notwithstanding any provision of the lease to  
11 the contrary;

12 (4) a requirement that on and after the effective date  
13 of the crime free rental housing ordinance a property owner  
14 must conduct a background check on a person prior to  
15 entering into or renewing an agreement to lease rental  
16 property to that person;

17 (5) a requirement that a property owner submit to  
18 periodic inspections of his or her rental property to  
19 ensure compliance with applicable laws and regulations;  
20 and

21 (6) penalties for violating the ordinance.

22 (b) For the purposes of this Section, "tenant" means a  
23 tenant, subtenant, lessee, sublessee, or other person entitled  
24 to possession, occupancy, or benefits of a residential rental  
25 property.

26 (c) Prohibition of waiver or modification. The provisions

1 of any ordinance enacted under this Section may not be waived  
2 or modified in any lease or separate agreement.

3 (d) Exclusions. This Section does not apply to any facility  
4 that is licensed or inspected by the State of Illinois or the  
5 federal government. However, any ordinance enacted under this  
6 Section shall apply to mobile home parks, as defined in Section  
7 2.5 of the Mobile Home Park Act.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.