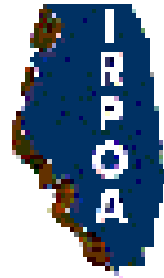


May 15th, 2011 IRPOA Legislative Update



Bills in Springfield of Interest to Members of Illinois Rental Property Owners Association

SB1603 - Residential Mortgage Loans.

Support

IRPOA introduced this bill

Amends the Residential Mortgage License Act's treatment of seller financing of residential loans to owner occupants to make it consistent with the Federal Law.

Passed in the Senate. It is on the 2nd reading in the House.

Representative Tom Holbrook is the sponsor in the House.

HB1209 - Landlord - Evict - Limited Stay

Support

This Bill initially would have limited the stay that a judge could grant on an eviction case where the rent was more than 90 days past due to 10 days. Unfortunately, it was amended and that provision was removed. The amended bill codifies the practice of allowing the landlord to request a pro rata amount of rent for any period the judgment is stayed.

Passed in the House, on the 3rd Reading in the Senate.

Senators Iris Martinez and Jacqueline Collins are the sponsors in the Senate.

HB1233 - Landlord - Required Lock Change

Neutral

Amends the Landlord Tenant Act requiring that the landlord change the locks between tenants. An exemption has been added for owner occupied dwellings with less than 4 units, or for a room rental in an owner occupied house.

Passed in the House, on the 3rd Reading in the Senate. Sen. Emil Jones sponsor.

HB0141 - Tenants Radon Protection

Neutral

Amends the Illinois Radon Protection Act. If a tenant notifies the landlord that a radon test has indicated a radon hazard exists in the unit, then the landlord must disclose the risk to prospective tenants - unless a subsequent test indicated that a radon hazard does not exist, or the unit is on the 3rd floor or above, or the landlord has undertaken radon mitigation and had a subsequent test that indicated no hazard. Effective 1/1/12

Passed both House and Senate. Waiting for Governor's signature.

HB1909 - County Code - Notice To Appear

Oppose

County designated Code Enforcement Officer may issue a notice to appear. Problems: 1) No training required to be a code enforcement officer, and 2.) Violations include tenant created situations that landlords have no efficient means to control.

Passed in the House, on the 3rd Reading in the Senate. IRPOA's lobbyist and Director of Legislative Affairs are still working to get it amended.

HB1565 - Human Rights - Arrest Record

Strongly Oppose

Amends the Human Rights Act - adding to the definition of a civil rights violation. Would prohibit a landlord from inquiring about a tenant's arrest record, or refusing to rent a unit because of an arrest record. Exempts owner occupied buildings with less than 4 units, or owners renting a room in an owner occupied dwelling.

**** This bill did not pass out of the House. They are considering amending it to only apply to public housing. Please note - criminal background checks only check conviction records.

SB2164 - Muni Cd Sanitation Violations - IRPOA Introduced this bill - Support

Established requirements for notice to property owner, clear identification of the problem, opportunity to comply before a penalty was imposed, have tenant or contract buyer included in the process if they are responsible for the problem, and established a right to defend in court.

*** This bill did not make it out of the Senate. IRPOA is working to get some of its provisions incorporated into SB1766 and HB1309

SB1766 - Civil Procedure - Lease - Criminal Activity Oppose as introduced

Requires that all leases include language stating existing law, which prohibits criminal activity in rented property. For that matter, doesn't existing law prohibit criminal activity anywhere? The problem with this legislation is that it gives the illusion of doing something - placing expectations on landlords to deal with crime, while providing no tools to do that. Expedited evictions, limiting the stay that the judge can give on the possession date, limiting the delay to get the sheriff out are all ways that this bill could be made into meaningful legislation. As is, it is a meaningless bill, which makes the landlord look like the bad guy.

Passed in the Senate, currently in the Judiciary 1 Committee in the House.

Watch your emails for a call to action.

HB1309 - Civil Procedure - Felony Evict Oppose as introduced

This bill is a companion bill to SB1766. It was held in the House, but deadlines were extended for it - allowing the opportunity for it to come into play should SB1766 run into opposition. The amendments that have been added to this bill make some long overdue change to the eviction process for cases where criminal activity is involved. We are still negotiating a change to this bill. Watch your emails for a call to action.

HB1323 Muni CD - Business Licensing Strongly Oppose

Lifts the current restrictions on municipal licensing, tax and regulation of many types of businesses. This has not passed the House, but the deadline has been extended for it.

SB1394 Self-Storage Notice - Late Fee Support

Amends the Self Storage Facility Act with provisions about rights and remedies for owners, notice requirements prior to sale to enforce a lien, disposal of motor vehicles, and various other issues. There have been many amendments to this bill. If it passes in both houses it will need to go to a joint committee to resolve the differences.

It has passed in the Senate, and is on the 2nd Reading in the House.

Please contact your legislators about these bills. Your voice does make a difference. A one minute phone call or a letter will let them know you are concerned. You can find your legislator at www.ilga.gov under the link labeled Legislator Lookup. You can find the details of any of these bills and their current status at www.ilga.gov as well. Make sure to read the amendments as many of them make substantive changes to the bill as introduced.

IRPOA could use your contribution. Our lobbyist is paid entirely out of donations from members. We need your support.

Please make a check to: IRPOA - Lobbyist Fund

Mail to: IRPOA 811 E. Rollins Rd, Round Lake Beach, IL 60073

Proposed Bills that have not passed out of the 1st house by their deadline.

HB1384 - Muni CD - Compliance Lien Costs

Strongly Opposed

Amends the Illinois Municipal Code. Defines "compliance lien". Provides that if a compliance lien has been filed against a property, then those costs associated with the lien may be treated as an existing, judicially approved special assessment, as though an assessment warrant had been issued. Further provides that the municipality may collect the costs as a special assessment if it complies with applicable procedures. Requires that the owner of record or persons interested in the property shall pay the costs incurred by the municipality for collecting the costs associated with the lien.

Did not make it out of the House by the deadline.

HB1607 - Landlord Tenant Application Fee

Oppose

Required that application fees be reasonable, an itemized accounting of what they were used for be given to the applicant, and that any unused portion be returned. Landlord shall not represent to the prospective tenant that a unit is available and charge a fee when no unit is available. This last part seemed to be the reason the bill was proposed.

The Bill did not make it out of the House by the deadline.

HB1251 - Sex Offender Notification

Neutral as amended

Provides that the local law enforcement agency having jurisdiction shall notify the residents of the multi-unit dwelling (rather than owner, landlord, or management of the multi-unit dwelling) that a sex offender resides in the multi-unit dwelling. Excludes nursing homes from the provisions of the amendatory Act.

The Bill did not make it out of the House by the deadline.

Support our Legislative work. *The Illinois Rental Property Association has lobbyists from Consulting4Biz, Inc working in Springfield on our behalf. Our lobbyists screen bills that are proposed, notify us when bills are proposed that will have an impact on rental property owners or investors, monitor activity on the bills, help us focus our efforts on the bills that need our work, guide us in finding key legislators, help us introduce legislation, and numerous other tasks. It has been an uphill battle getting recognized and getting heard. We are finally starting to be asked to comment on bills, asked for input on amendments, and listened to when we ask for changes to be made. This is just starting to happen after many years of hard work by our political action committee, our lobbyists, our PAC Chair, our local members, and our new Director of Legislative Affairs. Please support our efforts by answering our calls to action when we need the grassroots support.*

Please support the Illinois Rental Property Owners Association with a donation to our Lobbyist Fund. IRPOA's lobbyist is supported totally through donations. Every little bit helps pay the bill. Make your check to IRPOA - Lobbyist Fund. Please enclose a note mentioning that you are a member of CCIA or your local association. Send your check to: IRPOA 811 E Rollins Road, Round Lake Beach, IL 60073