

AN ACT concerning civil law.

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

Section 5. The Landlord and Tenant Act is amended by adding Section 25 as follows:

(765 ILCS 705/25 new)

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

(a) As used in this Section:

"Flood" and "flooding" mean a general or temporary condition of partial or complete inundation of a dwelling or property caused by:

(1) the overflow of inland or tidal waves;

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

(3) rainfall.

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

(b) Every landlord shall 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 ("100-year floodplain") 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. Such disclosure shall also be included in the written lease or the written renewal lease and shall be signed by both parties.

(c) Every landlord who leases a lower-level unit shall 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. Such disclosure shall also be included in the written lease or the written renewal lease and shall be signed by both parties.

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

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

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

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

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

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

.....

(Tenant Signature) (Date)

.....

(Landlord Signature) (Date)"

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

the tenant subsequently becomes aware that the property is located in the FEMA Special Flood Hazard Area ("100-year floodplain") the tenant may terminate the lease by giving written notice of termination to the landlord no later than the 30th day after a tenant becomes aware of the landlord's failure to comply with subsection (b), and the landlord shall return all rent and fees paid in advance no later than the 15th day after the tenant gave notice.

If a landlord fails to comply with subsection (b) or subsection (c) 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.

(e) Exemptions. This Section does not apply to farm leases, concession leases, and rental properties owned or managed by the Department of Natural Resources.

(f) This Section may not be interpreted to permit the renting, leasing, or subleasing of lower-level units in a

Public Act 103-0754

SB2601 Enrolled

LRB103 34558 LNS 64393 b

municipality if the municipality does not permit the renting,
leasing, or subleasing of such units.