

ICCA Update May 2017 by Margaret Vaughn

LEGISLATIVE LUAU – APRIL 4th

Thanks to those who were able to make it to Springfield for the Legislative Luau with the Illinois Roofing Contractors Association. It worked well doing a joint reception. The majority of the legislators who attended were recently elected which is important in establishing a rapport and knowledge with your profession.

REPEAL UPDATE

Due to mounting opposition, Sen. Pam Althoff (R-Crystal Lake) decided not to advance SB 1819 the Repeal of the Roofing Industry Licensing Act. However a few weeks later Rep. David Reis (R-Olney) filed an amendment to HB 1969 which would have repealed a number of professions including Roofing Contractors, Interior Designers and even Surgical First Assistants. Fortunately that bill has not advanced either but the Governor definitely wants to keep trying to deregulate professions and they could pop up at any time.

HB 732 – ROOFING BILL – LIMIT BUILDING OWNER EMPLOYEES to JUST ROOF REPAIR

HB 732 sponsored by Rep Dan Burke (D-Chicago) passed the House on April 4th with 79 votes despite opposition from the Governor's office. Even though it was on the Governor's "hot" list and republicans were under orders to oppose it, House Republican Leader Jim Durkin went to bat for us and garnered 15 GOP votes.

HB 1848 – DILAPIDATED BUILDINGS

Jeff, Keith and myself participated in a conference call with Rep. Frank Hurley to discuss ICCA's concerns with HB 1848, which dealt with the process for marking unsafe structures. ICCA was not opposed to the concept but suggested that the International Property Maintenance Code, Section 108 "Unsafe Structures and Equipment" be adopted statewide. They also suggested the inclusion of language so that the Code Official would notify the First Responders (Police and Fire) that they have condemned a structure and give that address. A subject matter only hearing was held on the issue before the House Construction and Code Enforcement Committee on April 25th and Jeff Stehman testified. There was a lot of push back however from Chicago.

HB 3773 – 10 YEAR BATTERY SMOKE DETECTORS

HB 3773 which would phase in 10 year battery smoke detectors over the next five years in older dwellings (pre-1988) which were not already required to have hard wired alarms, passed the House with 102 votes. Both the Governor's office and the Realtors ultimately removed their opposition.

HB 2958 – COAL TAR SEALANT BAN

HB 2958 was originally introduced to bar coal tar sealants. An amendment was which deleted the original language and replaced it with a provision to allow non-home rule communities to adopt the ban. The bill passed the Consumer Protection Committee but because of mounting opposition from both business, labor and school groups, the bill was not called for a final House vote.

STILL ALIVE

Below is a rundown of the rest of the legislation I have on ICCA's watch list which are still alive. If there are any bills you would like to be added, please let me know.

HB 531

Short Description: CRIM CD-CRIMINAL BUILDING MGMT

House Sponsors

Rep. Kathleen Willis-Frances Ann Hurley-Carol Ammons-Natalie A. Manley-Katie Stuart, Camille Y. Lilly, John Cavaletto, Michael Halpin, Margo McDermed, Martin J. Moylan, Emanuel Chris Welch, David S. Olsen, Stephanie A. Kifowit and Scott Drury

Senate Sponsors

(Sen. Martin A. Sandoval)

Synopsis As Introduced

Amends the Criminal Code of 2012. Creates the offense of criminal building management. Provides that a person commits the offense when, having personal or professional management or control of commercial real estate, whether as a legal or equitable owner or as a managing agent or otherwise, he or she recklessly permits or causes the physical condition or facilities of the commercial real estate to become or remain in any condition which endangers the health or safety of a first responder and: (1) the condition endangering the health or safety of a first responder was a building code violation or resulted from work done with a proper permit; (2) the condition endangering the health or safety of a first responder is determined to be a contributing factor in the injury or death of that first responder; and (3) the person recklessly conceals or attempts to conceal the condition that endangered the health or safety of the first responder that is found to be a contributing factor in that injury or death. Provides that criminal building management is a Class 4 felony.

House Committee Amendment No. 3

Replaces everything after the enacting clause. Amends the Criminal Code of 2012. Creates the offense of first responder endangerment. Provides that a person commits the offense when he or she knowingly creates a dangerous condition and intentionally conceals the dangerous condition in a commercial property under his or her management or operational control and the dangerous condition is found to be the primary cause of the death or serious bodily injury of a first responder in the course of his or her official duties. Provides that a violation is a Class 4 felony. Defines various terms.

House Floor Amendment No. 4

Replaces everything after the enacting clause, Reinserts the provisions of the bill as amended by House Amendment No. 3, but provides that: (1) the Act may be referred to as the Daniel Capuano Memorial Act; (2) "commercial property" includes non-residential spaces in mixed-use property; and (3) deletes provision that "dangerous condition" does not include any failure by a governmental entity to make capital improvements or fund repairs that are not supported by an appropriation or budget enacted or adopted specifically for the property.

Last Action

Date	Chamber	Action
5/2/2017	Senate	Referred to Assignments

HB 547

Short Description: MUNI CD-CONTRACT EXPENDITURES

House Sponsors

Rep. Michael J. Zalewski

Senate Sponsors

(Sen. Steven M. Landek)

Synopsis As Introduced

Amends the Illinois Municipal Code. Increases the base amount from \$20,000 to \$30,000 for public improvement or maintenance of public property at which a municipality must enter into a contract by public bid or four-fifths council approval. If the contract is approved by council, increases the base amount of expenses that must be taken by public bid from \$20,000 to \$30,000. Effective immediately.

House Committee Amendment No. 2

Replaces everything after the enacting clause. Reinserts the provisions of the introduced bill changing the amount in the introduced bill requiring the municipality to publicly bid a contract from \$30,000 to \$25,000. Amends the Illinois Local Library Act. Provides that before the Board of Library Trustees may commence construction, remodeling, repairing, or improving of a library building, it shall advertise for bids if the cost of the project exceeds \$25,000 (currently, \$20,000). Amends the Public Library District Act of 1991 making similar changes. Effective immediately.

Last Action

Date	Chamber	Action
5/10/2017	Senate	Placed on Calendar Order of 2nd Reading May 11, 2017

HB 2439

Short Description: ENERGY-COUNCIL-NO GRANTS

House Sponsors

Rep. Lindsay Parkhurst-Steven A. Andersson

Senate Sponsors

(Sen. Bill Cunningham)

Synopsis As Introduced

Amends the Energy Efficient Building Act. Provides that no member of an advisory council created as a result of the Act may receive State grants for teaching or administering continuing education concerning any recommendation or rule proposed by the advisory council. Effective immediately.

Last Action

Date	Chamber	Action
5/5/2017	Senate	Referred to Assignments

HB 2719

Short Description: RADON TASK FORCE-ABOLISH

House Sponsors

Rep. William Davis-David Harris

Senate Sponsors

(Sen. Pamela J. Althoff)

Synopsis As Introduced

Amends the Radon Industry Licensing Act. Abolishes the Radon-Resistant Building Codes Task Force. Make a corresponding change in the Radon Resistant Construction Act.

House Committee Amendment No. 1

Replaces everything after the enacting clause. Amends the Radon Resistant Construction Act. Removes a reference to the Radon-Resistant Building Codes Task Force.

Last Action

Date	Chamber	Action
5/4/2017	Senate	Placed on Calendar Order of 2nd Reading May 5, 2017

HB 3773

Short Description: SMOKE DETECTOR ACT

House Sponsors

Rep. Kathleen Willis-Stephanie A. Kifowit-Frances Ann Hurley-Carol Sente-Daniel J. Burke, Michael Halpin, John Cavaletto, Martin J. Moylan, Emanuel Chris Welch, David S. Olsen, Daniel Swanson and Charles Meier

Senate Sponsors

(Sen. Martin A. Sandoval-Cristina Castro)

Synopsis As Introduced

Amends the Smoke Detector Act. Provides that the battery for specified battery powered smoke detectors must be a self-contained long term battery if specified conditions occur. Provides that specified battery requirements do not apply to fire alarms, smoke detectors, smoke alarms, or ancillary components electronically connected to specified alarm systems; that use a low-power radio frequency wireless communication signal; that uses Wi-Fi or other Wireless Local Area Networking capability to send and receive specified notifications; or to devices as designated by the State Fire Marshal. Effective January 1, 2018.

House Committee Amendment No. 1

Provides that a party in violation of specified provisions of the Smoke Detector Act concerning battery requirements shall be provided with 90 day's warning with which to rectify that violation. Provides that if that party fails to rectify the violation within that 90 day period, he or she shall be assessed a fine of \$100, and shall be fined \$100 every 30 days thereafter until either the violation is rectified or the cumulative amount of fines assessed reaches \$1,500. Provides that certain specified penalty provisions of the Act shall apply only after a violating party has reached the \$1,500 cumulative fine threshold and has still failed to rectify the violation.

House Committee Amendment No. 2

Changes the effective date to January 1, 2023 (currently, January 1, 2018).

House Floor Amendment No. 3

Provides that the battery for specified battery powered smoke detectors must be a self-contained, non-removable, long term (rather than self-contained long term) battery if specified conditions occur.

House Floor Amendment No. 4

Provides that if a party in violation of specified provisions of the Smoke Detector Act concerning battery requirements fails to rectify a violation within a specified 90-day period, he or she may (rather than shall) be assessed a fine of up to \$100 (rather than a fine of \$100), and may (rather than shall) be fined \$100 every 30 days thereafter until either the violation is rectified or the cumulative amount of fines assessed reaches \$1,500. Adds language providing that if the alleged violation has been corrected prior to or on the date of the hearing scheduled to adjudicate the alleged violation, then the violation shall be dismissed.

Last Action

Date	Chamber	Action
5/5/2017	Senate	Assigned to Public Health

SB 885

Short Description: INSTALLMENT SALES CONTRACTS

Senate Sponsors

Sen. David Koehler-Jacqueline Y. Collins-Iris Y. Martinez, Bill Cunningham-James F. Clayborne, Jr., Cristina Castro-Kimberly A. Lightford, Melinda Bush, Linda Holmes, Mattie Hunter and Ira I. Silverstein

House Sponsors

(Rep. Jehan Gordon-Booth)

Synopsis As Introduced

Repeals the Dwelling Structure Contract Act and the Dwelling Unit Installment Contract Act. Creates the Installment Sales Contract Act. Adds provisions governing: definitions; terms and conditions of installment sales contracts; applicability of other Acts; sales of condemned dwelling structures; repairs; account statements; transfer of payments; insurance proceeds; unlawful acts; waivers; and penalties. Makes corresponding changes in the Condominium Property Act. Amends the Code of Civil Procedure. Provides that a real estate installment contract for residential real estate is subject to the foreclosure provisions of the Code if the purchase price is to be paid in installments over a period in excess of one year (instead of 5 years) and the amount unpaid under the terms of the contract at the time of the filing of the foreclosure complaint, including principal and due and unpaid interest, at the rate prior to default, is less than 90% (instead of 80%) of the original purchase price of the real estate as stated in the contract. Effective January 1, 2018.

Senate Floor Amendment No. 1

Replaces everything after the enacting clause with the provisions of the introduced bill, and makes additional changes in Sections concerning: definitions; terms and conditions of installment sales contracts; applicability of other Acts; recording of the contract; repairs; account statements; insurance proceeds; unlawful acts; and waiver. Deletes Sections concerning: sales of condemned dwelling structures; transfer of payments; and penalties. Adds provisions concerning: circumstances voiding mandatory arbitration provisions; prepayment penalties prohibited; prohibited contract terms; cooling-off period; installment sales contract disclosures; credits towards deficiency in the case of default; enforcement, and applicability of the Act. In the Code of Civil Procedure, provides that a real estate installment contract for residential real estate is subject to the foreclosure provisions of the Code if the sum of all payments made by the buyer is greater than or equal to 10% of the original purchase price (instead of if the purchase price is to be paid in installments over a period in excess of one year (instead of 5 years) and the amount unpaid under the terms of the contract at the time of the filing of the foreclosure complaint, including principal and due and unpaid interest, at the rate prior to default, is less than 90% (instead of 80%) of the original purchase price of the real estate as stated in the contract). Adds a corresponding change in the Consumer Fraud and Deceptive Business Practices Act. Effective January 1, 2018.

Last Action

Date	Chamber	Action
5/9/2017	House	Referred to Rules Committee

SB 1287

Short Description: EDUCATION-TECH

Senate Sponsors

Sen. John G. Mulroe, Emil Jones, III and Martin A. Sandoval

Synopsis As Introduced

Amends the School Code. Provides that a duty of regional superintendents is to inspect the energy conservation measures of schools under the Code. In provisions concerning school energy conservation and savings measures, provides that qualified providers need to be licensed in accordance with the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, or the Structural Engineering Practice Act of 1989. Provides for procedures for the submission of proposals. Provides for changes made under guaranteed energy savings contracts to be subject to performance reviews. Changes the period of time in which guaranteed energy savings contracts begin becoming cost effective from 20 years to 8 years. Changes references from "energy or operational costs" to "energy operating costs". Makes changes to various definitions. Makes other changes.

Senate Committee Amendment No. 1

Replaces everything after the enacting clause. Amends the School Code. Makes a technical change in a Section concerning school energy conservation.

Last Action

Date	Chamber	Action
3/16/2017	Senate	Placed on Calendar Order of 2nd Reading March 28, 2017

SB 1451

Short Description: SMALL WIRELESS FACILITIES

Senate Sponsors

Sen. Terry Link

Synopsis As Introduced

Creates the Small Wireless Facilities Deployment Act. Provides for legislative intent for the Act and definitions. Provides that an authority (a unit of local government with control over rights-of-way) may not prohibit, regulate, or charge for the collocation of small wireless facilities (the installation, mounting, maintaining, modifying, operating, or replacement of small wireless facilities on or adjacent to a wireless support structure or utility pole). Provides that small wireless facilities shall be classified as permitted uses and not subject to zoning review and approval under specified circumstances. Provides requirements for applications, fees, application review, and issuance of permits for collocation of small wireless facilities. Provides that an authority may not require applications for routine maintenance or replacement of wireless facilities with wireless facilities that are substantially similar, of the same size, or smaller. Requires authorities to allow the collocation of small wireless facilities on authority utility poles under specified circumstances. Prohibits authorities from regulating the design, engineering, construction, installation, or operation of any small wireless facility in specified circumstances. Provides that a circuit court has jurisdiction to resolve all disputes arising under the Act. Prohibits an authority from requiring a wireless provider to indemnify the authority or its officers or employees and from naming the authority on a wireless provider's insurance policy. Limits home rule powers. Amends the Counties Code making conforming changes.

Last Action

Date	Chamber	Action
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4/26/2017	Senate	Placed on Calendar Order of 3rd Reading April 27, 2017
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SB 1562

Short Description: ABANDONED HOUSING-REHAB-TERMS

Senate Sponsors

Sen. Bill Cunningham

House Sponsors

(Rep. Barbara Flynn Currie)

Synopsis As Introduced

Amends the Abandoned Housing Rehabilitation Act. In a provision concerning a court hearing on an organization's petition for temporary possession of property that the organization intends to rehabilitate, requires the organization to demonstrate to the court that: (i) its rehabilitation plan has been approved by the governing body of the municipality within which the property is located or, if the property is located within an unincorporated area, the county board or board of commissioners of the county within which the property is located; and (ii) any plan commission or planning department of the municipality or county within which the property is located has provided input and advice prior to the municipality's or county's approval of the rehabilitation plan.

Senate Committee Amendment No. 1

Replaces everything after the enacting clause. Amends the Abandoned Housing Rehabilitation Act. Expands the definition of "parties of interest" to include the applicable unit of local government where the property is located. Redefines "rehabilitation" to mean the process of improving the property, including, but not limited to, bringing property into compliance with the applicable unit of local government's fire, housing, licensing, zoning, and building codes (rather than the process of improving the property, including but not limited to bringing property into compliance with the applicable fire, housing, and building codes).

Senate Floor Amendment No. 3

Replaces everything after the enacting clause. Amends the Abandoned Housing Rehabilitation Act. Expands the definition of "parties of interest" to include the applicable unit of local government where the property is located. Changes the definition of "rehabilitation" to mean the process of improving the property, including, but not limited to, ensuring that the proposed improvements conform with a local government's comprehensive plan or other planning policies and bringing property into compliance with the applicable unit of local government's fire, housing, licensing, zoning, and building codes (rather than the process of improving the property, including but not limited to bringing property into compliance with applicable fire, housing and building codes).

Last Action

Date	Chamber	Action
5/10/2017	House	To Real & Personal Property Law Subcommittee

HR 87

Short Description: CONSTRUCTION CRAFT DAY

House Sponsors

Rep. Daniel V. Beiser

Synopsis As Introduced

Declares November 3, 2017 as Construction Craft Day in the State of Illinois.

Last Action

Date	Chamber	Action
5/9/2017	House	Resolution Adopted

HR 133

Short Description: BUILDING SAFETY MONTH

House Sponsors

Rep. Steven A. Andersson

Synopsis As Introduced

Declares May of 2017 as "Building Safety Month" in the State of Illinois.

Last Action

Date	Chamber	Action
3/7/2017	House	Assigned to Construction Industry & Code Enforcement Committee