

ICCA Update Sept 2017 by Margaret Vaughn

LEGISLATURE SPENT MOST OF SUMMER in SPRINGFIELD

While the legislative session generally runs from Jan through May 31st, legislators spent the bulk of the summer in Springfield for “what seemed like endless special sessions”. The first part of the summer they dealt with trying to pass a state budget. Illinois was about to enter its 3rd year without an official budget (*the longest any state has gone since the Great Depression*). Finally over the July 4th holiday though the Governor vetoed the budget, 15 GOP House members and one GOP Senate crossed over to override the veto. The rest of the summer was dominated on school funding and a compromise was finally reached and was signed by the Governor Aug. 30th. Without it, some school districts would not sure they would open, especially CPS.

ACCESSIBILITY RULES GETTING FORMATTED

After waiting for the green light from the Governor’s office the CDB’s Accessibility Rules are now at JCAR, which was tasked with reformatting them so they will jive with the current administrative codes. CDB hopes they the first notice public comment period will start sometime in October.

PRESENTATION AT IPOC’s DEC MEETING

I have been invited to speak at IPOC’s Dec. 6th meeting at the Par-A-Dice Hotel in East Peoria. I will be doing PowerPoint on an “*Overview of State Government and How to Impact the Legislative Process*” before the break and in the afternoon I will be a moderator at Round Table Discussion on the topic. Let me know if you would like me to speak at one of your monthly meetings or at the SBOC School next spring. It is important that building officials get a good understanding of the legislative process and the role they can play.

HB 3773 – 10 YEAR BATTERY SMOKE DETECTORS

HB 3773 which would phase in 10 year battery sealed smoke detectors over the next five years in older dwellings (pre-1988) which were not already required to have hard wired alarms, passed both the House and Senate overwhelmingly and was signed by the Governor

HB 1848 – DILAPIDATED BUILDINGS

Now that long summer session has finally ended and legislators are back in their districts and able to focus on other issues, we plan to set up a meeting with Rep. Hurly on the process of marking unsafe structures so it is consistent throughout the state and in line with the International Property Maintenance Code. She had introduced HB 1848 over the spring to address the issue.

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 is still alive. If there are any bills you would like to be added, please let me know. There are over 5000 bills introduced every year and only about 500 that make it to the Governor's desk

HB 547 : MUNI CD-CONTRACT EXPENDITURES –Signed into Law

House Sponsors

Rep. Michael J. Zalewski

Senate Sponsors

(Sen. Martin A. Sandoval)

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.

HB 732 – GOVERNOR VETOED FIRE SAFETY ROOFING BILL. The legislation sponsored by Rep Dan Burke (D-Chicago) and Sen. Iris Martinez (D-Chicago) would limit scope

of what a building owner's employees could perform on commercial and industrial roofs without a license to just "roof repair" as defined by the ICC. Reroofs, Roof Replacement and Torching would have to be done through a licensed contractor. *The Governor vetoed it because he is not in favor of many professions (including roofing contractors) even being licensed. Sponsors plan to work towards an override in the fall veto session.*

HB 2439 ENERGY-COUNCIL-NO GRANTS – Signed into Law

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 – Signed into Law

HB 2719 RADON TASK FORCE-ABOLISH – Signed into Law

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.

SB 885 INSTALLMENT SALES CONTRACTS – Signed into Law

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-Michael Halpin-Carol Ammons-La Shawn K. Ford-Margo McDermed, Emanuel Chris Welch, Al Riley, Michelle Mussman, Barbara Flynn Currie, LaToya Greenwood, Camille Y. Lilly and Marcus C. Evans, Jr.)

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.

House Committee Amendment No. 1

Provides that any provision in an installment sales contract that forbids the buyer to record the contract or a memorandum of the contract is void and unenforceable. Provides that if there is a failure to record a contract or memorandum of a contract and title to the property becomes clouded for any reason, the buyer may rescind at any time within 90 days after discovering the title problem. Creates an exception with respect to the application of insurance proceeds to a seller's mortgage balance when required by the seller's mortgage agreement.

House Committee Amendment No. 2

Defines the term "residential real estate" as real estate with a dwelling structure, as defined in the Act. Provides that the term "seller" does not include owners who are natural persons who use an installment sales contract to sell 3 or fewer residential real estate properties in a 12-month period. Replaces the term "dwelling structure" with the term "residential real estate" throughout the bill. Removes provisions repealing the Dwelling Structure Contract Act and the Dwelling

Unit Installment Contract Act.

House Committee Amendment No. 3

Deletes language providing that certain violations of the Installment Sales Contract Act constitute violations of the Residential Mortgage License Act of 1987.

SB 1562 ABANDONED HOUSING-REHAB-TERMS –Signed into Law

Senate Sponsors

Sen. Bill Cunningham

House Sponsors

(Rep. Barbara Flynn Currie-La Shawn K. Ford-Kelly M. Cassidy)

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).

HR 87 CONSTRUCTION CRAFT DAY – Resolution Adopted

House Sponsors

Rep. Daniel V. Beiser

Synopsis As Introduced

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

HR 133 BUILDING SAFETY MONTH RESOLUTION

House Sponsors

Rep. Steven A. Andersson

Synopsis As Introduced

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