

CHAPTER 5-16 **DISCLOSURE OF HEATING COSTS TO TENANTS**

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5-16-010 Disclosure required – Acknowledgment.

A building or dwelling unit owner, or agent thereof, shall not execute an oral or written lease, contract to lease, or accept any money or other valuable consideration in an application for an oral or written lease for a dwelling unit which is primarily heated by natural gas or electricity and in which the heating costs are the responsibility of the tenant without disclosing to the tenant or applicant in written form:

- (1) That the cost of heating shall be the responsibility of the tenant; and
- (2) The projected average monthly cost of utility service from the utility providing the primary source of heat based on energy consumption during the most recent annual period of continuous occupancy by one or more prior occupants, current or expected rates and normalized weather by the method approved by the Illinois Commerce Commission.

Further, subject to the penalties provided in Section [5-16-070](#) herein, no building or dwelling unit owner, or agent thereof, shall execute a written lease for such a dwelling unit without making such disclosures within such written lease.

The tenant or applicant shall be required to execute a receipt acknowledging that the written disclosure has been made.

(Prior code § 193.2-1; Added Coun. J. 10-15-87, p. 5196)

5-16-020 Applicability.

- (a) The provisions of Section [5-16-010](#) shall apply to rental dwelling units which are heated

primarily by natural gas or electricity and in which utility service for heat is individually metered to each dwelling unit and tenants are directly responsible to the utility company for paying the cost of energy to supply heat.

(b) The provisions of Section [5-16-010](#) shall not apply to oral or written leases for rental dwelling units in which the contracting tenant continues his previous occupancy providing that the tenant, during that previous term, had the obligation to directly pay the utility company for the utility service used for heating.

(Prior code § 193.2-2; Added Coun. J. 10-15-87, p. 5196)

5-16-030 Utility to provide information.

Except as provided in Section [5-16-040](#), the information required in Section [5-16-010](#) and Section [5-16-050](#)(a) shall be provided, at no direct cost to the requestor or intended recipient by the utility company which supplies energy for the primary heating source to the dwelling unit upon the written request of the building or dwelling unit owner or his agent. Every such written request shall contain an affirmative statement that the person or entity making the request possesses title or, in the case of trust, is the owner of the power of direction to the property in which the dwelling unit is located or is the agent of such person or entity. The utility company receiving such written request shall be entitled to rely on the affirmative representation of such owner or agent and shall not be obligated to do anything further to ascertain or confirm the identity of the owner and/or agent of the property.

The utility company shall devise forms to be used for requesting and providing this information. The city shall undertake a program to educate the public and shall make request forms available throughout the city. Under no circumstances shall the information provided to building or dwelling unit owners, tenants or prospective tenants under this process disclose payment records of or the name to whom the account was formerly billed. The utility company shall provide such information within two weeks of its receipt of a properly executed written request.

Once received by the owner or agent, the information provided by the utility shall be considered valid for the disclosure purposes of this chapter for six months from the date of issuance.

The information required in Section [5-16-010](#) and provided by the utility company providing the primary source of heat shall not be construed as an offer or guarantee by the utility company to provide energy for the projected average monthly cost contained in the information or estimate, and the utility company shall not be liable for any difference between the projected average monthly cost and the actual cost incurred by the tenant or owner to whom the information or estimate is disclosed. Nothing in this chapter shall be construed as relieving any person of the responsibility of paying the amounts billed them for utility service by a utility company.

(Prior code § 193.2-3; Added Coun. J. 10-15-87, p. 5196)

5-16-040 Newly converted units – Estimates to be provided.

For any dwelling unit which has been newly converted to a natural gas or electric individually metered heating system or for new construction of a property primarily heated by natural gas or electricity which does not have any energy consumption history for the individually metered system, the owner or his agent shall provide estimates of the unit's energy consumption for the utility service used for primary heating to the lessee, prospective tenant, purchaser or prospective purchaser. Such estimates may be analyses supplied by a utility company, a registered professional engineer or architect and shall

be performed by the “degree day method” prescribed in the most recent Handbook of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (A.S.H.R.A.E.).

(Prior code § 193.2-4; Added Coun. J. 10-15-87, p. 5196)

5-16-050 Sale or transfer – Disclosure required – Exception.

(a) All owners of residential dwelling units and buildings (and their agents) shall, at the time of any offering for sale of said residential dwelling units and buildings, or in the case where improved real property is held under trust the sale of real property which forms the corpus of the trust or the transfer of the beneficial interest in such property, including contract sale, be required to provide to the purchaser or prospective purchaser copies of all bills or all receipts, or all cancelled checks or one utility budget plan bill for heating utility or fuel costs for the dwelling unit or building for the previous 12 months during which the dwelling unit or building was continuously occupied. In the alternative, the disclosure requirement shall be satisfied by the provision of information supplied from the utility providing the primary source of heat as in Section [5-16-030](#) or, if appropriate, as in Section [5-16-040](#).

Further, subject to the penalties provided in Section [5-16-070](#) herein, no building or dwelling unit owner, or agent thereof, shall execute a written contract for such a sale or transfer for such residential dwelling unit or building without making such disclosures within such written contract for sale or transfer. Such disclosure of information shall include:

(1) For sales or transfers of single-family dwellings and individually metered dwelling units in multifamily buildings:

The monthly and total annual consumption and cost for the primary heating energy or fuel (natural gas, electricity, or fuel oil);

(2) For sales or transfers of entire multifamily buildings regardless of whether heating service is centrally or individually metered and billed:

This monthly and total cost and consumption of the primary heating energy or fuel (natural gas, electricity or fuel oil) for such entire building and the amounts directly billed to each particular dwelling unit by any utility or fuel supplier.

(b) The provisions of this Section ([5-16-050](#)) shall not apply to sales or transfers in which the purchaser is currently a tenant of the dwelling unit who has the obligation to directly pay the utility company for the utility service used for heating.

(Prior code § 193.2-5; Added Coun. J. 10-15-87, p. 5196)

5-16-060 Administration.

The commissioner of business affairs and consumer protection shall administer Chapter [5-16](#) and may adopt rules and regulations for the effective administration of Chapter [5-16](#).

(Prior code § 193.2-6; Added Coun. J. 10-15-87, p. 5196; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

5-16-070 Penalties.

(1) (a) Any building or dwelling unit owner, or agent thereof, who fails to provide or who falsifies information required to be provided by Chapter [5-16](#) commits an offense and shall be subject to a fine not exceeding \$500.00 for each offense.

(b) It shall be an affirmative defense to any prosecution for a failure to disclose information required by this chapter that the utility company failed to timely comply with a properly executed written request.

Any person who falsely claims or misrepresents himself to be an owner or agent in any disclosure or request for information made with regard to Chapter [5-16](#) commits an offense and shall be subject to a fine not exceeding \$500.00 for each offense.

(Prior code § 193.2-7; Added Coun. J. 10-15-87, p. 5196)

5-16-080 Severability.

If any section of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

(Prior code § 193.2-8; Added Coun. J. 10-15-87, p. 5196)

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