



Sen. Cristina Castro

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1 AMENDMENT TO SENATE BILL 3103

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3103 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Immigrant Tenant Protection Act.

6 Section 5. Definitions. In this Act:

7 "Dwelling unit" means a room or suite of rooms, a  
8 manufactured home rental unit or lot as defined in Section 3 of  
9 the Mobile Home Landlord and Tenant Rights Act, or other  
10 residential real estate used for human habitation, and for  
11 which a landlord and a tenant have a written or oral lease  
12 agreement.

13 "Immigration or citizenship status" includes a person's  
14 actual or perceived immigration status or citizenship status or  
15 the actual or perceived immigration status or citizenship  
16 status of a third-party with whom the person is associated.

1 "Landlord" means the owner, agent, lessor, or sublessor, or  
2 the successor in interest of any of them, of a dwelling unit,  
3 or the building of which it is part, and any person authorized  
4 to exercise any aspect of the management of the premises,  
5 including any person who directly or indirectly receives rents  
6 and has no obligation to deliver the whole of the receipts to  
7 another person. "Landlord" includes the owner of a mobile home  
8 park.

9 "Organizational plaintiff" means an organization seeking  
10 relief pursuant to this Act to challenge prohibited conduct  
11 resulting in a diversion of the organization's resources, a  
12 frustration of the organization's purpose, or an injury to the  
13 organization's membership.

14 "Tenant" means a person entitled by written or oral  
15 agreement, subtenancy approved by the landlord or by  
16 sufferance, or law to occupy a dwelling unit to the exclusion  
17 of others.

18 Section 10. Prohibited conduct.

19 (a) Except as otherwise provided in subsection (b), a  
20 landlord shall not:

21 (1) require that any tenant, prospective tenant,  
22 occupant, prospective occupant, or guest of a dwelling unit  
23 make any statement, representation, or certification  
24 concerning his or her, or another person's, immigration or  
25 citizenship status;

1           (2) threaten to disclose information regarding or  
2 relating to the immigration or citizenship status of a  
3 tenant, occupant, or any person associated with a tenant or  
4 occupant;

5           (3) cause a tenant or occupant to quit or vacate the  
6 dwelling unit involuntarily because of the immigration or  
7 citizenship status of a tenant, occupant, or any person  
8 associated with a tenant or occupant;

9           (4) bring an action to recover possession of a dwelling  
10 unit because of the immigration or citizenship status of a  
11 tenant, occupant, or any person associated with a tenant or  
12 occupant;

13           (5) disclose to any person or entity information  
14 regarding or relating to the immigration or citizenship  
15 status of any tenant, prospective tenant, occupant, or  
16 prospective occupant of the dwelling unit for the purpose  
17 of, or with the intent of, harassing or intimidating a  
18 tenant, prospective tenant, occupant, or prospective  
19 occupant, retaliating against a tenant or occupant for  
20 exercising his or her rights, influencing a tenant or  
21 occupant to vacate a dwelling unit, except as required by  
22 law or court order; or

23           (6) disclose to any immigration authority, law  
24 enforcement agency, or local, State, or federal agency  
25 information regarding or relating to the immigration or  
26 citizenship status of any tenant, prospective tenant,

1 occupant, or prospective occupant of the dwelling unit for  
2 the purpose of, or with the intent of, harassing or  
3 intimidating a tenant, prospective tenant, occupant, or  
4 prospective occupant, retaliating against a tenant or  
5 occupant for exercising his or her rights, influencing a  
6 tenant or occupant to vacate a dwelling unit, except as  
7 required by law or court order.

8 (b) Subsection (a) does not prohibit a landlord from doing  
9 any of the following:

10 (1) complying with any legal obligation under federal  
11 or State law, including, but not limited to, any legal  
12 obligation under any government program that provides for  
13 rent limitations or rental assistance to a qualified  
14 tenant, or a subpoena, warrant, or other court order; or

15 (2) requesting information or documentation necessary  
16 to determine or verify the financial qualifications of a  
17 prospective tenant, or to determine or verify the identity  
18 of a prospective tenant or prospective occupant.

19 (c) An oral or written warning notice, given in good faith,  
20 regarding conduct by a tenant, occupant, or guest that  
21 violates, may violate, or has violated an applicable rental  
22 agreement, rule, regulation, lease, or law is not a violation  
23 of this Act. An oral or written explanation of a rental  
24 agreement, rule, regulation, lease, or law given in the normal  
25 course of business is not a violation of this Act.

26 (d) This Act does not enlarge or diminish a landlord's

1 right to terminate a tenancy pursuant to existing State or  
2 local law, nor does this Act enlarge or diminish the ability of  
3 a unit of local government to regulate or enforce a prohibition  
4 against a landlord's harassment of a tenant.

5 (e) Any waiver of a right under this Act by a tenant,  
6 occupant, or person known to the landlord to be associated with  
7 a tenant or occupant is void as a matter of public policy.

8 Section 15. Remedies.

9 (a) If a landlord violates Section 10, the tenant,  
10 prospective tenant, occupant, prospective occupant, or an  
11 organizational plaintiff described in subsection (c) may bring  
12 a civil action to seek any one or more of the following  
13 remedies:

14 (1) actual damages, as reasonably determined by the  
15 court, for injury or loss suffered;

16 (2) a civil penalty in an amount not to exceed \$2,000  
17 for each violation;

18 (3) reasonable attorney's fees and court costs; and

19 (4) other equitable relief, including, but not limited  
20 to, injunctive relief to prevent the landlord from engaging  
21 in similar conduct with respect to other tenants,  
22 occupants, or persons associated with tenants or  
23 occupants.

24 (b) A tenant is not required to be actually or  
25 constructively evicted in order to obtain relief.

1           (c) An organizational plaintiff may seek relief pursuant to  
2 this Act to challenge prohibited conduct described in Section  
3 10 resulting in a diversion of the organization's resources, a  
4 frustration of the organization's purpose, or an injury to the  
5 organization's membership. The organization shall be  
6 considered a party for the purposes of this Act.

7           (d) The immigration or citizenship status of any person is  
8 irrelevant to any issue of liability or remedy under a civil  
9 action involving a tenant's or occupant's housing rights. In  
10 proceedings or discovery undertaken in a civil action involving  
11 a tenant's or occupant's housing rights, no inquiry shall be  
12 permitted into the tenant's or occupant's immigration or  
13 citizenship status, except if:

14           (1) unless otherwise provided in subsection (e), the  
15 claims or defenses raised by the tenant or occupant place  
16 the person's immigration or citizenship status directly in  
17 contention; or

18           (2) the person seeking to make the inquiry demonstrates  
19 by clear and convincing evidence that the inquiry is  
20 necessary in order to comply with federal law.

21           (e) The assertion of an affirmative defense to an eviction  
22 action under Section 9-106.3 of the Code of Civil Procedure  
23 does not constitute cause for discovery or other inquiry into a  
24 person's immigration or citizenship status.

25           Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 905. The Code of Civil Procedure is amended by  
3 adding Section 9-106.3 as follows:

4 (735 ILCS 5/9-106.3 new)

5 Sec. 9-106.3. Affirmative defenses for retaliation on the  
6 basis of immigration status.

7 (a) It is an affirmative defense to an action maintained  
8 under this Article if the court finds that:

9 (1) a landlord engaged in conduct prohibited by Section  
10 10 of the Immigrant Tenant Protection Act; or

11 (2) the demand for possession is based solely on the  
12 tenant, occupant, or guest's immigration status.

13 (b) It is an affirmative defense to an action maintained  
14 under this Article if the court finds that the demand for  
15 possession is based solely on the failure of the previously  
16 approved tenant to provide a social security number or  
17 information or documentation necessary to determine or verify  
18 the tenant's financial qualifications or the tenant's  
19 identity.

20 (c) No affirmative defense exists under this Section if a  
21 landlord files an eviction action for the purpose of complying  
22 with any legal obligation under any government program that  
23 provides for rent limitations or rental assistance to a  
24 qualified tenant, any other federal law, or a subpoena,

1 warrant, or other order issued by a court.

2 (d) An oral or written warning notice, given in good faith,  
3 regarding conduct by a tenant, occupant, or guest that  
4 violates, may violate, or has violated an applicable rental  
5 agreement, rule, regulation, lease, or law does not create a  
6 defense under this Section. An oral or written explanation of a  
7 rental agreement, rule, regulation, lease, or law given in the  
8 normal course of business does not create a defense under this  
9 Section.

10 (e) This Section does not enlarge or diminish a landlord's  
11 right to terminate a tenancy pursuant to existing State or  
12 local law, nor does this Section enlarge or diminish the  
13 ability of a unit of local government to regulate or enforce a  
14 prohibition against a landlord's harassment of a tenant.

15 (f) Nothing in this Section prevents the landlord from  
16 seeking to collect rent due under the lease agreement.

17 Section 910. The Mobile Home Landlord and Tenant Rights Act  
18 is amended by changing Section 16 as follows:

19 (765 ILCS 745/16) (from Ch. 80, par. 216)

20 Sec. 16. Improper grounds for eviction. The following  
21 conduct by a tenant shall not constitute grounds for eviction  
22 or termination of the lease, nor shall an eviction order be  
23 entered against a tenant:

24 (a) As a reprisal for the tenant's effort to secure or



1 enforce any rights under the lease or the laws of the State  
2 of Illinois, or its governmental subdivisions of the United  
3 States;

4 (b) As a reprisal for the tenant's good faith complaint  
5 to a governmental authority of the park owner's alleged  
6 violation of any health or safety law, regulation, code or  
7 ordinance, or State law or regulation which has as its  
8 objective the regulation of premises used for dwelling  
9 purposes;

10 (c) As a reprisal for the tenant's being an organizer  
11 or member of, or involved in any activities relative to a  
12 home owners association; -

13 (d) As a reprisal for a tenant's efforts to secure  
14 remedies under the Immigrant Tenant Protection Act.

15 (Source: P.A. 100-173, eff. 1-1-18.)

16 Section 999. Effective date. This Act takes effect upon  
17 becoming law."