

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5292

Introduced 2/10/2026, by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

765 ILCS 705/35 new

Amends the Landlord and Tenant Act. Provides that a tenant of a residential lease whose residential unit, dwelling, or common areas in the tenant's building is in violation of any applicable health or safety codes because of the fault of the landlord may terminate a lease without penalty or liability by providing the landlord with at least 30 days' written notice. Provides that "fault of the landlord" also means a failure to timely remove any violation of applicable health or safety codes. Provides that on the death of the tenant or if there is more than one tenant, upon the death of all tenants, the landlord or the representative of the tenant's estate may terminate the lease upon at least 30 days' written notice to the other party. Provides that after the lease agreement was entered into, a tenant or the legal representative of a tenant who has been determined to need long-term, full-time care may terminate a residential lease without penalty or liability by providing the landlord with at least 30 days' written notice and include an explanation of the reason and expected length of time for the tenant's departure. Provides that on termination of the lease, if any rent payment was made in advance, the landlord must return any unearned portion and security deposit paid, except to the extent that there are actual damages or repairs to be paid from the security deposit as provided in the lease agreement. Prohibits any attempted waiver or waiver provision in a lease agreement of the right to terminate is null and void. Prohibits any lease provision or agreement requiring a longer notice period than required by the Act is null and void, unless the landlord and tenant or tenant's personal representative agree to modify other specific provisions of the Act. Provides that the amendatory Act applies to leases executed on or after its effective date.

LRB104 19281 JRC 32727 b

1 AN ACT concerning civil law.

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

4 Section 5. The Landlord and Tenant Act is amended by
5 adding Section 35 as follows:

6 (765 ILCS 705/35 new)

7 Sec. 35. Right to terminate lease.

8 (a) A tenant of a residential lease whose residential
9 unit, dwelling, or common areas in the tenant's building is in
10 violation of any applicable health or safety codes because of
11 the fault of the landlord may terminate a lease without
12 penalty or liability by providing the landlord with at least
13 30 days' written notice. "Fault of the landlord" also means a
14 failure to timely remove any violation of applicable health or
15 safety codes.

16 (b) Upon the death of the tenant, or if there is more than
17 one tenant, upon the death of all tenants, the landlord or the
18 representative of the tenant's estate may terminate the lease
19 upon at least 30 days' written notice to the other party. At
20 the landlord's request, the tenant's estate must provide
21 documentation confirming the death of the tenant.

22 (c) After a lease agreement was entered into, a tenant or
23 the legal representative of a tenant who has been determined

1 to need long-term, full-time care may terminate a residential
2 lease without penalty or liability by providing the landlord
3 with at least 30 days' written notice and include an
4 explanation of the reason and expected length of time for the
5 tenant's departure.

6 (d) Upon termination of the lease, if any rent payment was
7 made in advance, the landlord must return any unearned portion
8 and security deposit paid, except to the extent that there are
9 actual damages or repairs to be paid from the security deposit
10 as provided in the lease agreement.

11 (e) Any attempted waiver or waiver provision in a lease
12 agreement waiving the right to terminate as provided by this
13 Section is null and void. Any lease provision or agreement
14 requiring a longer notice period than required by this Section
15 is null and void, unless the landlord and tenant or tenant's
16 personal representative agree to modify other specific
17 provisions of this Section.

18 (f) This provision applies to leases executed on or after
19 the effective date of this amendatory Act of the 104th General
20 Assembly.